

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF OHIO
 3 WESTERN DIVISION
 - - -

4 UNITED STATES OF AMERICA, : **CASE NO. 1:20-CR-0077**
 5 :
 6 Plaintiff, : **JURY TRIAL, DAY 14**
 7 vs. :
 8 : **16th day of February, 2023**
 9 LARRY HOUSEHOLDER, et al. :
 10 : **9:30 a.m.**
 11 Defendant. :
 12 - - -

13 **TRANSCRIPT OF PROCEEDINGS**
 14 **BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE**
 15 - - -

16 **APPEARANCES:**

17 **For the Plaintiff:**

18 Emily N. Glatfelter, Esq.
 19 Matthew Charles Singer, Esq.
 20 Megan Gaffney Painter, Esq.
 21 Assistant United States Attorneys
 22 221 East Fourth Street, Suite 400
 23 Cincinnati, Ohio 45202

24 **For the Defendant, Larry Householder:**

25 Nicholas R. Oleski, Esq.
 Robert T. Glickman, Esq.
 McCarthy, Lebit, Crystal & Liffman Co.
 1111 Superior Avenue East, Suite 2700
 Cleveland, Ohio 44114
 and
 Mark B. Marein, Esq.
 Steven L. Bradley, Esq.
 Marein and Bradley
 526 Superior Avenue, Suite 222
 Cleveland, Ohio 44114

1 For the Defendant, Matthew Borges:

2 Karl Herbert Schneider, Esq.
3 Todd Aaron Long, Esq.
4 McNees Wallace & Nurick, LLC
21 East State Street, Suite 1700
Columbus, Ohio 43215

5 Also present: Larry Householder
Matthew Borges

6 Law Clerk: Cristina V. Frankian, Esq.

7 Courtroom Deputy: Rebecca Santoro

8 Stenographer: Mary Schweinhagen, RDR, RMR, CRR
9 United States District Court
200 West Second Street
10 Dayton, Ohio 45402

11 Proceedings recorded in stenotype.
12 Transcript produced with computer-aided transcription.
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings held in open court at 9:41 a.m.)

2 THE COURT: Good morning. The jurors have now
3 arrived in full.

4 Are we ready for the jury from the government's
5 perspective?

6 MS. GAFFNEY-PAINTER: Yes, Your Honor.

7 THE COURT: And Mr. Householder's?

8 MR. GLICKMAN: Yes, Judge.

9 THE COURT: And Mr. Borges'?

10 MR. SCHNEIDER: Yes.

11 THE COURT: Let's call for the jury.

12 (Pause.)

13 THE COURT: We can bring the witness in ahead of the
14 jury.

15 Good morning, sir. If you'd be willing to retake the
16 stand. The jury is en route.

17 (Witness took the stand.)

18 THE COURTROOM DEPUTY: All rise for the jury.

19 (Jury entered the courtroom at 9:43 a.m.)

20 THE COURT: You may all be seated. Thank you.

21 To the 14 jurors who have arrived back in the courtroom,
22 good morning.

23 RESPONSE BY ALL: Good morning.

24 THE COURT: It's been a while since I apologized to
25 you. I would like to apologize for the rain, but my powers

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2232

1 are limited.

2 We are going to continue to hear testimony at this time.

3 On behalf of Mr. Householder, are there questions?

4 MR. GLICKMAN: Yes. Thank you, Judge.

5 THE COURT: Very well.

6 The witness remains under oath, and he understands.

7 THE WITNESS: Yes, Judge.

8 THE COURT: Very well.

9 **NATHAN HOLBROOK**

10 of lawful age, Witness herein, was further examined and
11 testified as follows:

12 **CROSS-EXAMINATION**

13 BY MR. GLICKMAN:

14 **Q.** Good morning, Special Agent Holbrook.

15 **A.** Good morning.

16 **Q.** I am Rob Glickman. I am one of the attorneys for Larry
17 Householder. I just have a few questions for you.

18 **A.** Okay.

19 **Q.** Yesterday when the recordings were playing you were
20 following along with the transcripts, yes?

21 **A.** That is correct.

22 **Q.** And I know there was a little bit of a miscommunication
23 yesterday. To be clear, the actual recordings that were
24 submitted into evidence on the flash drive that was marked,
25 those are all the recordings, not just the recordings that

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2233

1 were played, yes?

2 **A.** That is correct, yes.

3 **Q.** All right. And while you have been an FBI agent for, I
4 think, approaching 13 years?

5 **A.** 12 years.

6 **Q.** 12 years?

7 **A.** It feels like 13.

8 **Q.** I aged you. I apologize.

9 For the last few years you have been doing public
10 corruption cases?

11 **A.** That's correct.

12 **Q.** And public corruption cases involve public officials,
13 including but not limited to elected officials, yes?

14 **A.** That's right.

15 **Q.** Okay. And in that time I take it you have come into --
16 you've come into contact with lobbyists? You know what a
17 lobbyist is, yes?

18 **A.** I do. I am running through my mind because I have come
19 in contact with the people who play the role of lobbyists
20 but aren't actually lobbyists, so to answer your question is
21 yes, I have come in contact with lobbyists.

22 **Q.** And Neil Clark is a lobbyist?

23 **A.** That's correct.

24 **Q.** And lobbyists are people who charge money to individuals
25 or companies to attempt to influence, and I don't mean

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2234

1 improperly influence, but influence governments on behalf of
2 their respective clients, yes?

3 A. That's my understanding, yes.

4 Q. Okay. And that's what Mr. Clark does for a living, yes?

5 A. He is a lobbyist, yes.

6 Q. Okay. And lobbyists convince these clients that they are
7 in a position to assist them with whatever it is they need
8 from the respective government or government agency or elected
9 official, yes?

10 A. I am sorry. Could you state that one more time,
11 please.

12 Q. Sure. They have to convince their customer that they are
13 in a position to help them with a government or an elected
14 official or a legislator, yes?

15 A. I don't -- the word convince. I mean, they have to
16 represent that they have the ability to.

17 Q. Okay. There's a sales component to it. Is that fair?

18 A. I would agree with that, yes.

19 Q. Okay. And Mr. Clark was no different, was he?

20 A. No different?

21 Q. He was a salesman. He would -- he explained how he
22 had -- he had contacts and -- with various governmental
23 officials who might be able to help, in this instance, your
24 undercover agents with their issues involving sports betting
25 in Ohio?

1 A. He did that. I just, I don't feel comfortable using
2 the term salesman. He was explaining what he could offer
3 the undercovers. Salesman has a different kind of
4 connotation to it that I am not comfortable to agree with.

5 Q. Okay. I didn't mean -- I don't hold salesmen in ill
6 regard. I didn't mean to imply that.

7 A. Sure.

8 Q. But in any event, he -- he sold his time, yes? I would
9 spend time on your project and you will pay me for my time?

10 A. That's correct, yes.

11 Q. Okay. And Mr. Clark -- and one of -- when you are doing
12 an investigation involving a lobbyist, and a lobbyist is
13 indicating that they have influence or -- over a public
14 official or a government official, you do have to have some
15 concern that they might be exaggerating, don't you? To get
16 the gig.

17 A. I don't necessarily agree with that, no.

18 Q. No?

19 A. Huh-uh.

20 Q. Okay. All right. So in your role investigating public
21 corruption and when lobbyists are involved, do you take steps
22 to corroborate things that those lobbyists may be saying?

23 A. Given the -- given the investigation, that would be
24 true, yes. We try to corroborate information that we're
25 receiving.

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2236

1 **Q.** Because you are not just going to take them at their
2 word, are you? You're going to take steps to make sure what
3 they are saying is or is not accurate, yes?

4 **A.** Yes.

5 **Q.** And sometimes it could be partly accurate; is that fair?

6 **A.** That's fair.

7 **Q.** Okay. Because a lobbyist who, for example, you know,
8 knows Larry Householder, it can go -- and actually does know
9 him but it can go from knowing him to like all of a sudden
10 he's like one of my best friends. And that's an exaggeration,
11 not a lie, yes?

12 **A.** Sorry. Could you clarify that, please?

13 **Q.** Sure. Lobbyists can exaggerate how close they may be to
14 an elected official or a government official?

15 **A.** Are we speaking generally?

16 **Q.** Generally.

17 **A.** I assume a lobbyist could exaggerate.

18 **Q.** You have never had experience in that regard?

19 **A.** At this point, I can't say that I have.

20 **Q.** Okay. Well, on the recordings that we played yesterday,
21 you heard Mr. Clark talk about his relationship with
22 Mr. Householder, did you not?

23 **A.** Yes.

24 **Q.** Okay. And he talked about telephone communications he
25 had with Mr. Householder, yes?

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2237

1 **A.** He did.

2 **Q.** Okay. And earlier in your testimony, you talked about
3 your training with the FBI, and you briefly mentioned Title
4 III warrants, true?

5 **A.** Yes.

6 **Q.** Okay. And a Title III warrant doesn't just get you phone
7 records, does it? You can actually -- you're recording the
8 telephone call, correct?

9 **A.** That is correct.

10 **Q.** To your knowledge, was a Title III warrant obtained in
11 this investigation for Mr. Householder's phone?

12 **A.** To my knowledge, no.

13 **Q.** What about Mr. Longstreth?

14 **A.** No.

15 **Q.** Had such a warrant been obtained, we'd be able to listen
16 to the conversations between Mr. Householder and Mr. Clark,
17 right?

18 **A.** Yes.

19 **Q.** And by listening to them, we'd actually know what was
20 said, fair?

21 **A.** Fair.

22 **Q.** We wouldn't just have to take Mr. Clark's word for it,
23 true?

24 **A.** True.

25 **Q.** Okay. Now, a warrant was obtained from Mr. Clark, but

1 that was in an unrelated investigation, right?

2 A. That is correct, yes.

3 Q. Okay. And I'm not going to remember -- I remember the
4 undercover agents' name, Brian, Vinny, and Rob, I definitely
5 remember Rob, but if I conflate them, just please correct me.
6 I am going to do everything I can not to have to play a
7 recording. Fair enough?

8 A. Fair enough.

9 Q. All right. So your undercover agents were assigned to
10 engage Neil Clark regarding sports betting legislation in
11 Ohio?

12 A. Yes.

13 Q. Okay. And effectively see what they could find out.

14 A. Correct.

15 Q. And they paid him, yes?

16 A. Yes.

17 Q. How much?

18 A. They paid him over the course of that interaction,
19 \$50,000, \$5,000 a month.

20 Q. Okay. So \$5,000 a month retainer?

21 A. Yes.

22 Q. Okay. And he engaged with them for many months?

23 A. Yes.

24 Q. Okay. And obviously, each month he was engaged, he got
25 another \$5,000, right?

1 A. Yes.

2 Q. And during the many months he was engaged, he -- strike
3 that.

4 While engaged, he routinely explained to them that
5 legislation was pending, and he was going to help them with
6 their issue regarding sports betting, right?

7 A. That's correct.

8 Q. And he also routinely, at least in the conversations that
9 you played for us yesterday, explained that there were delays.
10 Is that fair?

11 A. Yes.

12 Q. And each one-month delay meant another \$5,000 for
13 Mr. Clark?

14 A. Well, subsequent to that, yes.

15 Q. Okay. And during the recordings that you played for us,
16 Mr. Clark made numerous claims. For example, he indicated
17 that there were three (c)(4)s, that it was important that your
18 undercover agents support, right?

19 A. Yes.

20 Q. Okay. And did you -- and the three (c)(4)s involved
21 Mr. Householder, right?

22 A. Pardon?

23 Q. The three (c)(4)s, one of them involved Mr. Householder?

24 A. Yes. One of them did, yes.

25 Q. One of them involved the governor?

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2240

1 A. Yes.

2 Q. One of them involved somebody named Huffman?

3 A. Yes.

4 Q. He's a senator, right?

5 A. I believe so.

6 Q. To get legislation passed in Ohio, you need both the
7 House, the Senate, and the executive branch, right?

8 A. That's my understanding, yes.

9 Q. Okay. So he covered all three, the governor --

10 A. With the three (c)(4)s, yes.

11 Q. Okay. And he made certain claims about Senator Huffman
12 indicating that he had control over 18 Senate votes?

13 A. Yes.

14 Q. Okay. Did you do anything to either confirm or deny that
15 claim?

16 A. I did not.

17 Q. To your knowledge, did anybody from the federal
18 government do anything to confirm or deny that claim?

19 A. Possibly. I -- I'm not aware of what was done from the
20 Columbus perspective of the investigation.

21 Q. But as you sit here today, you don't know -- you don't
22 know whether anybody interviewed people at the State House and
23 tried to either confirm or deny the claim that Senator Huffman
24 controlled 18 votes in the Republican Caucus of the Senate?

25 A. I don't know what was done in regard to that.

1 Q. He made various claims that his clients -- and I'm not
2 going to go through all of them -- made multimillion-dollar
3 donations to various politicians, yes?

4 A. He made that claim, yes.

5 Q. Did you or -- I mean, you were the case agent, yes, sir?

6 A. No, I was not.

7 Q. Well, you were the case agent in your undercover
8 investigation. I think you said that?

9 A. Yes. I was controlling the undercover aspect of -- of
10 the investigation.

11 Q. Okay. To your knowledge, did anybody from the federal
12 government take any steps to confirm or deny that his nursing
13 home client gave \$1.5 million to Governor DeWine?

14 A. I wouldn't know if anyone did anything on that.

15 Q. Okay. What about any of the other donations that were
16 talked about on the tape, to your knowledge, did anybody take
17 any steps to confirm or deny that that actually happened?

18 A. The donations to the (c)(4)s?

19 Q. Any of the -- I'm not going to go through -- I don't want
20 to go through every single one if I can't.

21 A. I was just trying to answer your question.

22 Q. But is there were -- there were numerous conversations on
23 the tapes that various -- there were various donations made to
24 various politicians through (c)(4)s and not through (c)(4)s.
25 Do you know if anybody from the federal government took any

1 steps to confirm or deny that Mr. Clark was telling the truth
2 or just engaging in puffery to placate his client?

3 A. I believe that Agent Wetzel had issued subpoenas for
4 various records of campaign accounts and bank accounts and
5 was corroborating what Mr. Clark was saying in the
6 recordings. So I do know that that did occur.

7 Q. Well, including, for example, the \$1.5 million to
8 Governor DeWine from the -- I forgot -- from the nursing home
9 client?

10 A. I don't know the specifics of all the grand jury
11 subpoenas he issued. So I can't answer that.

12 Q. Okay. He indicated to your undercover agents that he was
13 in possession of memos indicating that the Senate bill
14 involving sports betting was unconstitutional. In fact, he
15 said he had two memos, right?

16 A. Yeah. I remember him claiming that the sports bill as
17 it would be under the casino commission was
18 unconstitutional. That's what I remember.

19 Q. Well, did -- to your knowledge, did anybody from the
20 federal government take steps to actually obtain those memos
21 to see if he was telling the truth or not?

22 A. Yeah, I don't know.

23 Q. Okay. Do you remember him saying words to the effect,
24 once Larry Householder had a negative feeling about something,
25 somebody, that never changed?

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2243

1 **A.** I remember him making that comment, yes.

2 **Q.** And then in a later call he explained how Larry
3 Householder had a negative feeling towards him, and it did
4 change?

5 **A.** Yes.

6 **Q.** There was a -- there was a call on June 6, 2019 -- and
7 just so -- where he indicated the Speaker made a decision on
8 the wheres --

9 **A.** Who's "he"?

10 **Q.** Neil Clark said the Speaker made his decision on the,
11 quote, wheres, unquote, for sports gambling. Do you recall
12 that?

13 **A.** No, I actually don't recall. Can you repeat the
14 question one more time?

15 **Q.** Would it be easier if I just showed you in the transcript
16 to refresh your recollection?

17 **A.** Yes, please.

18 **Q.** Can you go to the exhibit in your transcript book 524B?
19 Just tell me --

20 **A.** Okay.

21 **Q.** -- when you have the book, sir.

22 **A.** Yeah, I'm there.

23 **Q.** Okay. Go to page 3. First line. See where it says,
24 "The Speaker is going to make a decision on the wheres," okay?

25 **A.** Yes, I see that.

1 Q. Okay. Does that refresh your recollection?

2 A. Yes, it does.

3 Q. And the wheres for sports gambling, that meant like where
4 the sites would be and how many of them there would be, yes?

5 A. Just looking -- I'm not sure if he is referring to what
6 you just said or if he's referring to who's going to control
7 it.

8 Q. Okay. Well, did -- to your knowledge, did the federal
9 government do anything to corroborate Mr. Clark's statement
10 that Mr. Householder was working on anything regarding either
11 where the sites would be for sports betting or who was going
12 to control it?

13 A. Yeah, I'm not sure why it was done on that, from
14 Columbus' perspective.

15 Q. Okay. Do you recall him taking credit for Larry
16 Householder becoming Speaker of the House?

17 A. I do.

18 Q. He said words to the effect of, I told him to go to
19 organized labor and the Democrats. Do you remember that?

20 A. I do.

21 Q. Did you or anyone from the federal government, to your
22 knowledge, interview people at the State House to find out
23 whether there was any veracity to that statement?

24 A. I didn't.

25 Q. Okay. And he actually took credit for Mr. Householder

1 becoming Speaker of the House the first time all those years
2 ago. Do you remember that?

3 A. I'm foggy on that.

4 Q. Okay. Let's go to -- let's take a look at that same
5 exhibit, 524, page 19 and 20. I'll tell you where. It's
6 going to take me a minute too.

7 The very last line on 19 going into 20. Could you just
8 read that to yourself, sir.

9 Just tell me when you're done.

10 A. I'm just reading for context.

11 Q. Oh, sure. Just take as much time as you need. Just tell
12 me when you're ready.

13 A. Okay.

14 Q. So Mr. Clark essentially takes credit not only for
15 Mr. Householder becoming Speaker of the House in -- after the
16 2018 election, he takes credit for when he was first elected
17 to the House of Representatives in the early 2000s, yes?

18 A. Well, he claims that people were giving him credit. He
19 didn't really claim that he took credit for it. He said
20 that people were giving him credit for the rise.

21 Q. You've listened to all these recordings with Mr. Clark?

22 A. Yes.

23 Q. He does most of the talking, doesn't he?

24 A. Mr. Clark talks a lot.

25 Q. He was a bragger, fair?

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2246

1 **A.** I can't really answer that question. I mean, if what
2 he's saying is truthful, then --

3 **Q.** I'll strike the question.

4 He likes talking about himself and his accomplishments;
5 is that fair?

6 **A.** Yeah, I'd say that's fair.

7 **Q.** Okay. All right. Now, again, your undercover agents
8 were meeting with him with nothing to do with energy
9 legislation, correct? They were there for sports betting.

10 **A.** That's correct.

11 **Q.** He spent a lot of time talking about House Bill 6 and
12 energy legislation, didn't he?

13 **A.** He did.

14 **Q.** All right. And do you recall him indicating that in
15 House Bill 6 that the mandates in House Bill 6 would be
16 lowered somewhere between 5 percent and 12 percent?

17 **A.** I remember him saying that, yes.

18 **Q.** And in actuality, the mandates were completely eliminated
19 in House Bill 6, weren't they?

20 **A.** I don't know.

21 **Q.** Okay. In talking about sports betting, he indicates that
22 the passage of a sports betting bill may be pushed from June
23 to September. Do you remember that?

24 **A.** I do remember that, yes.

25 **Q.** Okay. Sports bill wasn't passed in June, was it?

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2247

1 **A.** It was not.

2 **Q.** Nor was it passed in September?

3 **A.** No.

4 **Q.** But he got \$5,000 for those months between June and
5 September?

6 **A.** That's correct, yes.

7 **Q.** In fact, it didn't actually pass the entire legislature
8 till 2021?

9 **A.** I'm not sure when it was.

10 **Q.** That's well over a year from after your agents disengaged
11 from Mr. Clark, yes?

12 **A.** That date is after the end of the agents' disengagement
13 with Clark, yes.

14 **Q.** Well, substantially after, because they disengaged in
15 2019, right?

16 **A.** Yes. Well, I'll take your word that that's when sports
17 betting passed. I'm not familiar with it.

18 **Q.** Fair enough.

19 We heard a tape regarding the -- the Nashville meeting
20 where Mr. Clark actually drove to Nashville and met in person
21 with your agents, right?

22 **A.** Yes.

23 **Q.** And, again, he's there for sports betting but he is
24 talking about nuclear plant subsidies, isn't he?

25 **A.** Yes.

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2248

1 **Q.** And he compares subsidies in New York, Michigan, and
2 Indiana to the proposed subsidy in Ohio. Do you remember
3 that?

4 **A.** I do remember that, yes.

5 **Q.** All right. And he said that the subsidies in those other
6 states accounted for around \$3 billion when Ohio's was only
7 1.2 billion. Do you remember that?

8 **A.** I remember him referring to Ohio's was 1.2 billion.

9 **Q.** You don't remember --

10 **A.** I don't remember what the other ones were.

11 **Q.** Fair enough.

12 Will you take a look at Exhibit 527B?

13 **A.** Yes.

14 **Q.** Page 7.

15 **A.** Okay.

16 **Q.** And last line where Mr. Clark is talking, if you could
17 just read that to yourself, see if that refreshes your
18 recollection.

19 **A.** Yes.

20 **Q.** He said \$3 billion, yes?

21 **A.** He did say 3 billion.

22 **Q.** Did you or anyone to your knowledge from the federal
23 government do anything to confirm or deny his claims regarding
24 the subsidies in those other states?

25 **A.** I did not. I don't know what other agents did on it.

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2249

1 Q. Okay. There's -- I'm hoping not to use this book again
2 but if you need to, we can.

3 A. Sure.

4 Q. Do you remember the conversations about a check, about
5 your undercover agents bringing a check to Mr. Householder?

6 A. Yes.

7 Q. And Mr. Clark confirmed to him that he would, in fact,
8 take a check?

9 A. Yes.

10 Q. Okay. And --

11 A. Well --

12 Q. Go ahead.

13 A. He -- I remember him debating with himself whether he
14 would actually take the check himself, if that's what your
15 question is. If he would take the check or if -- he wasn't
16 sure if he would actually take the check because typically
17 the money was wired. That's my recollection, if that's the
18 one you are referring to.

19 Q. Actually, it's mine too. He talked about both checks and
20 wires?

21 A. Yes.

22 Q. Yes, sir. But he did have your undercover agents bring a
23 check to the -- I may ruin this pronunciation so if I do
24 correct me -- the Aubergine club?

25 A. Yeah. I will ruin it just as much as you will but,

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2250

1 yes, that's it. That's the place.

2 Q. And your agents brought a check?

3 A. Yes, they did.

4 Q. And at that meeting -- and we listened to not all of it,
5 but a substantial portion of it -- there sure wasn't a lot of
6 talk about sports betting legislation, was there?

7 A. In the meeting there was, actually.

8 Q. Not what -- well, in the recordings we heard yesterday,
9 there was a lot of talking, can we agree that a minority of it
10 had to do with sports betting legislation?

11 A. Yes.

12 Q. And at this point they are at this private club in
13 Columbus, and you were asked about who paid for that meal, and
14 you indicated your agents did, yes?

15 A. Yes.

16 Q. Well, your agents picked the place, didn't they?

17 A. They recommended it, yes.

18 Q. And during the conversation about -- do you recall the
19 conversation that occurred, the recorded call afterwards,
20 where your undercover agent, I think it was Brian --

21 A. Yes.

22 Q. -- expressed his displeasure and his co-undercover
23 agent's displeasure at how Mr. Householder did not appear
24 engaged on their behalf?

25 A. That's correct, yes.

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2251

1 Q. Okay. And they had been at this now --

2 A. I'm sorry. Let me back up. Can you repeat the end of
3 that last question because when I answered it, I think I
4 talked over you.

5 Q. Sure. I'd be happy to.

6 Do you recall during that conversation where at the
7 beginning undercover agent Brian, speaking on his behalf and
8 for Vinny, expressed their displeasure at how that meeting
9 went?

10 A. Yes.

11 Q. And Mr. Clark defended the meeting and said you don't
12 understand, or words to that effect. It went really well?

13 A. He believed it went well, yes.

14 Q. Well, you can't tell me whether he believed it went well.
15 He at least said it went well, right?

16 A. He said it went well.

17 Q. Okay. Because whether he believed it or not, if he could
18 keep this engagement going, the money kept flowing, yes?

19 A. I don't know what his -- what he was thinking. If --

20 Q. That wasn't my question.

21 A. State it again.

22 Q. If he continued to be engaged, his \$5,000 a month
23 retainer would continue to be paid?

24 A. It's a hard question to answer. I mean, because
25 there -- there are variables that both parties would be

1 considering. And after that meeting, whether the UCs are
2 saying, well, we are not going to pay this guy anymore
3 because we are not getting what we want or Clark -- it's a
4 hard question to answer.

5 Q. Well, the UCs at the beginning of the call seemed to
6 express that they weren't getting what they want, right?

7 A. That's correct.

8 Q. And during the call, Mr. Clark essentially explained to
9 them they didn't understand what happened, and they, in fact,
10 were getting what they wanted, right?

11 A. Yes, that's what he explained.

12 Q. Okay. And presumably, if they were getting what they
13 wanted, that would entice them to continue Mr. Clark's
14 engagement. Is that fair?

15 A. I'm sorry. Say it one more time.

16 Q. If they were getting what they wanted, they would
17 continue to engage Mr. Clark, right?

18 A. Oh, you mean from Mr. Clark's perspective?

19 Q. Yes.

20 A. I don't know. I mean, I --

21 Q. How about from their perspective?

22 A. I mean, their perspective, they're -- they're angry
23 about it. So would they continue to engage or not is to be
24 determined. In fact, I can say that we probably wouldn't
25 have -- we didn't continue to engage.

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2253

1 **Q.** Is it fair to say that Mr. Clark tried to placate them?

2 **A.** I don't know. I don't know if Mr. Clark actually
3 believed that, or if he was trying to placate. I can't
4 answer that question for you.

5 **Q.** Sure. Let me rephrase. I apologize.

6 Mr. Clark attempted to explain that things were going
7 okay?

8 **A.** Yes.

9 **Q.** Okay. And do you recall during that conversation that
10 was recorded that Mr. Clark indicated that Mr. Householder
11 would work on a compromise -- compromise legislation because
12 the sports betting legislation was being held up in the
13 Senate?

14 **A.** Yes.

15 **Q.** Okay. And did you or anyone in the federal government,
16 to your knowledge, take any steps to find out whether or not
17 Mr. Householder was, in fact, working through his office on
18 any compromise sports betting legislation?

19 **A.** Yeah. I'm not sure. I didn't do anything on that.
20 I'm not sure what was done, if Nick did anything.

21 **Q.** So you're not aware of --

22 **A.** I am not.

23 **Q.** Let me just finish my question.

24 You are not aware of any draft compromise legislation
25 that was coming out of Mr. Householder's office or anyone's

1 office at that time that would compromise between the House
2 and the Senate, are you?

3 A. I am not, no.

4 Q. And after this time, I think you indicated that your
5 undercovers would respond to texts if Mr. Clark texts them,
6 but other than that they disengaged?

7 A. That's correct.

8 Q. Okay. And upon disengagement, after this -- I may have
9 the months wrong -- but I think around nine months; is that
10 right?

11 A. The time that they engaged Mr. Clark was
12 January/February to September/October. So, yeah.

13 Q. So nine months or thereabout, fair?

14 A. Um-hmm, fair.

15 Q. And after these nine months, as a result of these nine
16 months of undercover investigation, neither yourself or to
17 your knowledge anybody then at that time attempted to get
18 Title III warrants on anybody else's telephone?

19 A. Not to my knowledge.

20 Q. Okay. Did your undercover agents attempt -- there was --
21 strike that.

22 There were numerous communications during these various
23 calls about an individual named Jeff Longstreth, right?

24 A. Yes.

25 Q. And that Jeff Longstreth could engage with the undercover

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2255

1 agents about a donation to a (c) (4) named Generation Now.

2 A. Yes.

3 Q. Do you recall that?

4 A. Yes.

5 Q. Did you -- did your undercover agents make any steps to
6 contact Jeff Longstreth directly to talk to him about
7 Generation Now?

8 A. No.

9 Q. To contact Jeff Longstreth directly to confirm or deny
10 any of the claims made by Mr. Clark? Did they contact Jeff
11 Longstreth directly at all? How's that?

12 A. No.

13 Q. Okay. Did they contact anybody related to Mr. Longstreth
14 or Mr. Householder or Mr. Clark to either confirm or deny the
15 claims made by Mr. Clark?

16 A. No.

17 Q. Or to do anything?

18 A. To do anything, I'm --

19 Q. Related to Mr. Longstreth or Mr. Householder.

20 A. Did the undercovers?

21 Q. Correct.

22 A. I'm sorry. Please repeat that question.

23 Q. Sure. Did your -- did your undercover agents or anyone
24 under your control contact anyone else to confirm or deny the
25 claims made by Mr. Clark during the various contacts he had

NATHAN HOLBROOK - CROSS (HOUSEHOLDER)

14-2256

1 with your undercover agents?

2 A. No.

3 Q. Okay. And I think you indicated they had moved on. They
4 were involved in other undercover operations?

5 A. Yes.

6 Q. Okay. They had better things to do?

7 A. Well, I won't say better things to do, but they had
8 other investigations to work on, yes.

9 Q. More important things to do, how's that?

10 A. I wouldn't say more important either because this was
11 important as well.

12 Q. This is going to be my last question. How about this:
13 Other things to do?

14 A. Yes.

15 Q. Fair enough, all right.

16 MR. GLICKMAN: Just one moment, Judge.

17 THE COURT: Yes.

18 MR. GLICKMAN: I don't have anything further.

19 THE COURT: Very well.

20 MR. GLICKMAN: Judge, can I just have a moment to
21 unplug?

22 THE COURT: Yes.

23 MR. GLICKMAN: Thank you.

24 THE COURT: Very well.

25 Counsel for Mr. Borges have any questions?

NATHAN HOLBROOK - CROSS (BORGES)

14-2257

1 MR. SCHNEIDER: Just -- just one or two, Your Honor.

2 **CROSS-EXAMINATION**

3 BY MR. SCHNEIDER:

4 **Q.** Agent, just for purposes of the record to make sure, with
5 regard to all of the recorded phone calls and the recorded
6 meets that we listened to yesterday and that the jurors have
7 in front of them, Matt Borges isn't on any of those
8 recordings, nor is he a participant in any of those, correct?

9 **A.** That's correct.

10 MR. SCHNEIDER: Thank you. No further question.

11 THE COURT: Very well. Is there any redirect from
12 the government?

13 MS. GAFFNEY-PAINTER: Very briefly, Your Honor.

14 THE COURT: Very well.

15 MS. GAFFNEY-PAINTER: May I approach?

16 THE COURT: Yes.

17 **REDIRECT EXAMINATION**

18 BY MS. GAFFNEY-PAINTER:

19 **Q.** Good morning.

20 **A.** Good morning.

21 **Q.** Special Agent Holbrook, you were asked a series of
22 questions on cross-examination about whether you confirmed or
23 corroborated the information that you were receiving from the
24 recordings from the undercover agents. Do you recall those
25 questions?

1 **A.** I do.

2 **Q.** What were your responsibilities with regard to this
3 investigation?

4 **A.** My responsibilities were to direct the focus of the
5 undercover agents and interact with Mr. Clark based upon
6 information I received from Agent Wetzel. In addition to
7 that, it's important to understand that this is an
8 undercover operation. And by the very nature of it, it
9 means no one can know about it. It no longer becomes an
10 undercover operation.

11 So in terms of corroborating things and doing further
12 investigations to determine what someone's telling us is
13 true or not true, it becomes more difficult because we can't
14 go out and talk to individuals during an undercover
15 operation because that can obviously blow the cover of the
16 agents and, you know, kind of end that part of the
17 investigation. So we do what we can to corroborate things,
18 but this being an undercover operation we're somewhat
19 limited.

20 But to counsel's point, my area of this was -- was very
21 limited just to those interactions with Neil Clark.

22 **Q.** For the recordings that you were receiving and the
23 interactions that you were aware of through your management of
24 those undercover agents, did you share that information in
25 those recordings with the case agent, Special Agent Wetzel?

NATHAN HOLBROOK - REDIRECT

14-2259

1 A. Yes, I did.

2 Q. And after you shared that information, did you have any
3 insight into what steps he was taking to further the
4 investigation?

5 A. No.

6 Q. And to be clear, you are not aware of what subpoenas
7 Special Agent Wetzel issued in order to gather more
8 information about this investigation?

9 A. I am not.

10 Q. So you're unaware that he issued a subpoena to get
11 information about, for instance, Ohioans For Energy Security?

12 A. I am not aware of that.

13 Q. You were asked a series of questions about the undercover
14 agents just wanting sports betting. Do you recall that?

15 A. I do.

16 Q. Now, what was the persona that UC Brian had adopted in
17 this investigation?

18 A. UC Brian was an investor in the hotel in downtown
19 Cincinnati, and he wanted to place a sports book in this
20 hotel --

21 Q. At least --

22 A. -- that was his --

23 Q. I apologize for interrupting you. Please, finish.

24 A. That was his persona. That was his role that he was
25 playing.

1 Q. Did he represent himself as a businessman in any other
2 areas beyond real estate investment?

3 A. Other than green energy, no.

4 Q. You were asked a series of questions about the dinner at
5 Aubergine. Do you recall those questions?

6 A. Yes.

7 Q. Now, approximately how long was that dinner at Aubergine?

8 A. Oh, I would say it was greater than two hours. I don't
9 know the exact time.

10 Q. Yesterday when we published segments of that recording
11 from the Aubergine dinner, we didn't play two hours worth of
12 recordings, isn't that right?

13 A. No.

14 Q. Just to be clear, Special Agent Wetzell, now, why did the
15 undercover agents take more of a passive role in their
16 relationship with Mr. Clark after September 2019?

17 A. I'm sorry. Could you repeat that one more time?

18 Q. Why did the undercover agents take more of a passive role
19 in their relationship with Mr. Clark after September of 2019?

20 A. At that point in the investigation, we decided to take
21 a more passive role. The reason being is the undercover
22 agents had collected a good deal of information about
23 Generation Now and its inner workings. And based upon the
24 meeting and the subsequent telephone call, to continue that
25 line of investigation, we understood that any check that

NATHAN HOLBROOK - REDIRECT

14-2261

1 would be given to Mr. Householder to that (c)(4), Generation
2 Now, would go through Mr. Longstreth.

3 And we made the decision that giving a \$50,000 check to
4 Mr. Longstreth to deposit in Generation Now wasn't an
5 efficient use of funds and wouldn't add additional evidence
6 of what we already had.

7 MS. GAFFNEY-PAINTER: May I have a moment to confer,
8 Your Honor?

9 THE COURT: Yes.

10 MS. GAFFNEY-PAINTER: No further questions.

11 THE COURT: Very well.

12 Recross on redirect, if any, from Mr. Householder's
13 counsel?

14 MR. GLICKMAN: No, thank you, Judge.

15 THE COURT: Mr. Borges' counsel?

16 MR. SCHNEIDER: No, Your Honor.

17 THE COURT: Very well.

18 Sir, your testimony is concluded and you are free to go.

19 THE WITNESS: Thank you, Judge.

20 (Witness was excused.)

21 THE COURT: Very well. Where do we stand from the
22 government's perspective? We are going to break at 10:45ish.

23 MS. GAFFNEY-PAINTER: We're prepared to call our
24 next witness, Your Honor.

25 THE COURT: Very well. If you would please do so.

NATHAN HOLBROOK - REDIRECT

14-2262

1 MS. GAFFNEY-PAINTER: The government calls Megan
2 Fitzmartin.

3 THE COURT: Very well.

4 You are going to come to the witness stand. If you'll
5 follow Ms. Santoro and would you pause where you are, ma'am,
6 and raise your right hand for an oath to tell the truth.

7 THE COURTROOM DEPUTY: You do solemnly swear or
8 affirm that the testimony you are about to give in this case
9 will be the truth, the whole truth, and nothing but the truth.
10 This you do affirm under the pains and penalties of perjury?

11 THE WITNESS: I do.

12 THE COURT: Very well. You can take the witness
13 stand.

14 (Witness took the stand.)

15 THE COURT: We tell everybody in the spirit of full
16 disclosure the seat tips back.

17 THE WITNESS: Oh, thank you.

18 THE COURT: You can take your mask off and we are
19 going to need you close to that expensive federal microphone.
20 And you can close that book. Maybe.

21 All right. Counsel for the government will begin
22 examination.

23 MS. GAFFNEY-PAINTER: Thank you, Your Honor. May I
24 approach the podium?

25 THE COURT: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEGAN FITZMARTIN

of lawful age, Witness herein, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. GAFFNEY-PAINTER:

Q. Good morning, Ms. Fitzmartin.

A. Good morning.

Q. Where do you work?

A. State of Ohio.

Q. Generally speaking, what do you do for the state of Ohio?

A. I oversee policy and communications for the House of Representatives.

Q. When did you first become professionally involved in politics?

A. 2011.

Q. What was your first professional role in politics?

A. I was an intern on the campaign.

Q. Were you working in politics in 2017?

A. Yes.

Q. Did there come a time in your political professional life where you met someone named Jeff Longstreth?

A. Yes.

Q. And when was that, approximately?

A. September of 2017.

Q. Will you describe for us the circumstances of that first

1 meeting with Mr. Longstreth?

2 A. Yes. A -- an individual mutual friend connected us for
3 a job opportunity. So I met him for coffee.

4 Q. And what did you discuss with Mr. Longstreth at that
5 coffee?

6 A. There was a job opportunity to work for Speaker
7 Householder, and talk to candidates and help run their
8 campaigns.

9 Q. Now, during that first coffee with Mr. Longstreth, did he
10 offer you the job or conduct any sort of interview? What was
11 sort of --

12 A. No.

13 Q. -- the nature of that conversation?

14 A. Sorry.

15 Q. No problem.

16 A. It was fairly casual and more conversational, just
17 getting to know each other 'cause I had never met Jeff at
18 that time, or Mr. Longstreth. And so we just kind of -- he
19 got to know my background, my professional background
20 because I had obviously a career prior to that, as well.
21 And the prompting was that I would meet Mr. Householder
22 after.

23 Q. Did you have, after that initial coffee, any follow-up
24 meetings with Mr. Longstreth?

25 A. I met with Jeff Longstreth and Larry Householder, I

1 believe, the next day, or within the following couple days.

2 Q. Where was that meeting held?

3 A. It was held in Speaker Householder's office.

4 Q. What did you, Mr. Householder, and Mr. Longstreth discuss
5 at that meeting?

6 A. A job opportunity to again run kind of the political
7 campaigns of a number of candidates that were running for
8 the House of Representatives.

9 Q. During that meeting with Mr. Householder, Mr. Longstreth,
10 did they officially hire you?

11 A. No.

12 Q. Did that ultimately happen? Were you ultimately hired?

13 A. I was ultimately offered a job, and I accepted.

14 Q. And what were the circumstances of that offer and
15 acceptance?

16 A. I was offered to be -- to be honest, I don't recall the
17 exact title. However, I was offered a job to be a part of
18 the political team for Speaker Householder.

19 Q. When did you officially start that position that you were
20 offered by Mr. Householder and Mr. Longstreth?

21 A. September like 20, 21, 20th or 21st of 2017.

22 Q. And were you an employee or a contractor or some other
23 sort of relationship?

24 A. I was a contractor.

25 Q. And who were you contracting with?

MEGAN FITZMARTIN - DIRECT

14-2266

1 A. JPL & Associates.

2 Q. Now, during the time that you were contracted with JPL &
3 Associates, who paid you?

4 A. It's my understanding JPL & Associates.

5 Q. In connection with this position, did you have an office?

6 A. I worked out of my home, but also reported -- like, I
7 was able to go to an office that was at 65 East State.

8 Q. Who else had offices within that space?

9 A. Jeff Longstreth, Friends of Larry Householder, and a
10 couple other people would come in and out.

11 Q. Was there anyone else who had an office, a fixed office
12 in that space?

13 A. Anna Lippincott.

14 Q. Who's Anna Lippincott?

15 A. She was an associate of mine, like and worked kind of
16 as a part of the Team Householder folks.

17 Q. Now, during the time that you were contracted by JPL &
18 Associates, what was the mission of the organization, would
19 you say?

20 A. To elect good people to the House of Representatives
21 and also help Larry Householder become Speaker, again.

22 Q. Now, at that time when you started your position, what
23 did you understand your job to be?

24 A. Talk to candidates every day, help them with whether
25 they needed a walk book or a logo design. Just helping

1 their -- their campaigns kind of from the ground up. A lot
2 of folks, a lot of good people were recruited to run for the
3 Ohio House, and -- but they needed help obviously putting
4 together a campaign, and so I was someone who worked with
5 them daily.

6 **Q.** Let's talk about the period of time from September of
7 2017 --

8 **A.** Okay.

9 **Q.** -- through February of 2018?

10 **A.** Okay.

11 **Q.** Please, if you need water.

12 So from September of 2017 through February of 2018, what
13 were your responsibilities during that period of time?

14 **A.** There are a number of open seats which means that there
15 is no incumbent running, there is no one who had held the
16 seat that is coming back to the House, and so I worked to
17 kind of secure -- not kind of -- sorry. I worked to secure
18 candidates that could be good representatives for their --
19 for their districts and help them actually make the ballot.
20 'Cause no one can run for the Ohio House unless they secure
21 50 signatures of registered voters of a specific party or
22 unaffiliated party. So that was the majority of my work
23 until February 7th. That was the filing deadline, a snowy
24 day, of that year.

25 **Q.** And when you say filing deadline, what are you referring

1 to you filing?

2 A. The filing deadline is the day that you have to submit
3 at least 50 signatures to make it on the ballot for the
4 office that you're seeking.

5 Q. Now, the candidates that you were assisting, how were
6 they identified?

7 A. Can you clarify the question?

8 Q. How did you -- how did JPL & Associates, your
9 organization, identify candidates to support?

10 A. Some folks were already interested in running. You
11 know the idea is that, you know, the Ohio House of
12 Representatives is a body of 99 members, and to have a good
13 representation of the state, it makes sense to make sure
14 that there's a good kind of overall cross-section of
15 individuals that represent different industries, different
16 backgrounds, et cetera. So, you know, if someone is
17 interested in running or if there is kind of a void in that
18 representation, like what, you know, it's a good thing to
19 find a good person who is willing to put public service at
20 the forefront.

21 Q. Now, before JPL & Associates and you would work with
22 these identified candidates --

23 A. Um-hmm.

24 Q. -- who had to approve those candidates?

25 A. No one approved a candidate. We -- we would -- so I

1 would meet or someone from the organization would meet with
2 the candidate, but I wouldn't really call it an approval
3 process. We would meet with folks and -- and see kind of if
4 they -- if they had a -- if they would check their egos and
5 join a team mentality.

6 Q. Now, during this period that we're talking about,
7 September of 2017 through September of 2018, did you have any
8 staff members working for you?

9 A. I did not, no. I worked with vendors.

10 Q. During this initial period of time, just an estimate, how
11 many hours a week were you working?

12 A. Probably 80 to 100.

13 Q. And during that period of time, what were you using for
14 work communications?

15 A. Certainly, an all, you know, above approach. So
16 whether it was text, phone, email, conversation, meeting,
17 whatever communications are available.

18 Q. How would you quantify, approximately, the amount of work
19 communications you were receiving during this time?

20 A. The limit does not exist. I'm not exactly sure of how
21 to quantify other than, you know, I enjoy being busy. So I
22 worked hard.

23 MS. GAFFNEY-PAINTER: Your Honor, may we please have
24 permission to publish what's already been admitted as
25 Government Exhibit 256A?

1 THE COURT: Yes. It will come up on the screens in
2 a moment.

3 I think it's up.

4 Q. Thank you. Ms. Fitzmartin, just directing you to the top
5 of this page, who is this text exchange between?

6 A. Jeff Longstreth and me.

7 Q. Let's look, if we could --

8 MS. GAFFNEY-PAINTER: Thank you, Ms. Terry.

9 Q. -- at these three texts.

10 A. Um-hmm.

11 Q. What is the date of this exchange?

12 A. January 12, 2018.

13 Q. You see that first text box there, it's gray?

14 A. Um-hmm.

15 Q. There's a reference within that text to CC endorsement
16 committee list with Borges. What is the CC endorsement
17 committee?

18 A. The Ohio Republican party has a State Central
19 Committee, which is the governing body, and within that body
20 there is an endorsement committee. I believe it's at the
21 discretion of the chairman. I actually don't know those
22 exact details.

23 And so this committee would review the potential
24 endorsements of Republicans seeking office.

25 Q. And who is Borges?

MEGAN FITZMARTIN - DIRECT

14-2271

1 **A.** Matt Borges is the former chairman of the Ohio
2 Republican party, and at that time was a lobbyist.

3 **Q.** Now, this message from Mr. Longstreth, will you please
4 share the CC endorsement committee list with Borges and see
5 how many friends we have, what was your understanding of what
6 he was asking you to do here?

7 **A.** Having been the former chairman, Matt Borges had
8 relationships with a number of committee members. And so it
9 was to work with him to see, you know, who we could talk to
10 for endorsements or for no endorsement.

11 **Q.** Can you explain no endorsement to us?

12 **A.** The -- so -- yes. So the endorsement process comes
13 with a number of benefits. Obviously, the Ohio Republican
14 party is a brand, and that's helpful. And no endorsement
15 would mean that no one would have the ability to use that
16 brand and/or benefit of the postage reimbursement.

17 **Q.** Can you explain a little bit more about postage
18 reimbursement you had just mentioned?

19 **A.** As a nonprofit, the Ohio Republican party has
20 discounted rates on mail.

21 **Q.** Now, during this time that you were contracted with JPL &
22 Associates, was there ever in your estimation a time where you
23 were seeking a non-endorsement for one of your candidates?

24 **A.** Certainly. It's tradition of the Ohio Republican party
25 not to endorse in a contested primary, especially with

1 non-incumbents. And so we were just seeking to ensure the
2 tradition. And, you know, it's -- at that time there was an
3 opponent in the Speaker's race who was seeking to overturn
4 that traditional stance and seek endorsements.

5 MS. GAFFNEY-PAINTER: Ms. Terry, may we please
6 advance to the second page. Thank you.

7 And may we please blow up the top text message there.

8 Q. Now, there's a reference in this text message from
9 Mr. Longstreth to kitchen cabinet. What is a kitchen cabinet?

10 A. A kitchen cabinet is a group of advisors of any elected
11 official who, you know, again that kind of a cross-section
12 of folks that hope to see an individual succeed and give
13 advice at kind of their request.

14 Q. Who was in Mr. Householder's kitchen cabinet at this
15 time?

16 A. At this time, I would say Bob Klaffky, Doug Price, and
17 Rex Elsass.

18 MS. GAFFNEY-PAINTER: Now, Ms. Terry, if we could,
19 stay on this page, please, but blow up the middle two texts
20 there.

21 Q. All right. I'm looking, Ms. Fitzmartin, at your second
22 text here beneath your "okay" text.

23 A. Um-hmm.

24 Q. There are -- would you mind reading this text for us? It
25 begins with "Frost."

1 A. Frost should be able to get to Lamb. I know Talmage,
2 Carnes, Goodman, Simon. Obviously, BDM won't be gettable.

3 Q. Can you explain to us what you're referring to here?

4 A. These were members, at the time, of the State Central
5 Committee, and we're just talking about relationships that
6 people have with the members of the State Central Committee,
7 whether it be me or Frost.

8 MS. GAFFNEY-PAINTER: All right. Ms. Terry, may we
9 stay on this page and go to the bottom text.

10 Q. And here we see a reference to a non-endorsement.
11 Ms. Fitzmartin, is this related to what you had testified to
12 about seeking a non-endorsement for some of your candidates?

13 A. Correct. This is just me confirming that we are going
14 the traditional route of a non-endorsement as opposed to
15 seeking an endorsement of the nonincumbent candidates.

16 MS. GAFFNEY-PAINTER: Your Honor, may we please have
17 permission to publish what's been admitted already as
18 Government Exhibit 240A?

19 THE COURT: Yes.

20 Q. Now, Ms. Fitzmartin, directing your attention to the top
21 of the page, who is this text exchange between?

22 A. Jeff Longstreth and me.

23 MS. GAFFNEY-PAINTER: If we could, Ms. Terry, will
24 you please blow up the two green texts that appear on this
25 page? Thank you.

MEGAN FITZMARTIN - DIRECT

14-2274

1 Q. Ms. Fitzmartin, what is the date on this exchange?

2 A. January 12, 2018.

3 Q. Will you please read for us your texts that you have
4 here?

5 A. If possible, I think SLH should call Daniels. He's
6 going to be in Shane's group meeting tomorrow.

7 Q. And can you please read the next one as well.

8 A. I can call, if that's helpful too. Just having another
9 reassuring voice in the room that money/infrastructure will
10 be there would be helpful.

11 Q. What are you talking about here?

12 A. I am talking about a potential candidate who was having
13 their own sort of kitchen cabinet meeting back home in their
14 district, and I was requesting that Speaker Householder
15 reach out to an individual who I thought he may have a prior
16 relationship with. And then it's no secret that there was
17 a -- an opponent in the Speaker's race who also was, you
18 know, providing infrastructure and fundraising help too, and
19 so this was just kind of allowing for that assurance that
20 just because you're not with the official caucus, that
21 you -- that an individual would have support.

22 Q. Is that what you're referring to in the second text where
23 you say, "money/infrastructure"?

24 A. Yes.

25 Q. Let's turn now to February of 2018. What, of

MEGAN FITZMARTIN - DIRECT

14-2275

1 significance, happens in the election of 2018?

2 A. In February 2018 we did a good job of running races and
3 we won a lot of primaries.

4 Q. I'm talking about February of 2018.

5 A. Oh, sorry.

6 Q. That's okay. And what of significance in relation to the
7 filing happens in February of 2018?

8 A. In February 2018, we or a number of individuals filed
9 for the Ohio House of Representatives.

10 Q. Now, after the petitions to run are filed in February --

11 A. Um-hmm.

12 Q. -- how did your responsibilities change at that time?

13 A. Well, so the filing deadline signifies 90 days until an
14 election. And so we, you know -- my duties shifted to
15 running races, meaning coordinating media and grassroots
16 efforts.

17 Q. What month was the primary election in 2018?

18 A. May.

19 Q. All right. Now, during this February to May 2018 period,
20 how many hours a week would you estimate you were working?

21 A. 80 to 100.

22 Q. How many of the Team Householder candidates won their
23 primary in May of 2018?

24 A. 20 out of 21.

25 Q. And after that primary election in May of 2018, how did

MEGAN FITZMARTIN - DIRECT

14-2276

1 your responsibilities change?

2 A. Then we -- my responsibilities shifted to the general
3 election. So I recalibrate to the November 2018 election.

4 Q. Now, describe for us what your work was from May of 2018
5 through November of 2018.

6 A. I continued to coordinate media efforts and help
7 support grassroots efforts in a number of Ohio House races.

8 Q. When you say coordinate media, can you explain what you
9 mean to us?

10 A. Sure. I worked to, you know -- if an individual needed
11 TV, radio, mail, phone calls, just all the kind of tactics
12 that are used in a campaign, I would help them, whether it's
13 with a script or kind of connect them with individuals who
14 could help their campaign.

15 Q. And you mentioned mail. For the mailers that you helped
16 produce, who had final approval over those mailers?

17 A. The candidates.

18 Q. Was anyone else consulted during that approval process
19 for the mailers?

20 A. Sure. I worked with a number of individuals, both with
21 the candidates' teams back home, in addition to Speaker
22 Householder and Jeff Longstreth.

23 Q. Are you familiar with an entity called Hardworking
24 Ohioans?

25 A. I've heard of it.

MEGAN FITZMARTIN - DIRECT

14-2277

1 Q. In 2018, what was Hardworking Ohioans' role, as far as
2 you're aware?

3 A. I believe that was the super PAC used in the 2018
4 elections.

5 Q. Who ran Hardworking Ohioans, as far as you're aware?

6 A. I do not recall.

7 Q. Now, what role did you have with respect to Hardworking
8 Ohioans?

9 A. I had no role, other than I was able to see a couple of
10 their commercials on my television screen.

11 Q. Did you have any responsibilities related to polling?

12 A. I certainly helped coordinate polling in a number of
13 districts.

14 Q. Did any of your responsibilities including sharing
15 polling information?

16 A. I did help coordinate with our -- or with a website
17 vendor to make sure that polling information was publicly
18 available.

19 Q. Can you explain that to us, what you mean by that?

20 A. In campaigns, you're able to share information if you
21 make it publicly available so it's accessible to anyone, and
22 I did work with a website vendor to ensure that polling
23 information was able to be publicly available.

24 Q. After the general election in November of 2018, how did
25 your responsibilities shift?

MEGAN FITZMARTIN - DIRECT

14-2278

1 THE COURT: I'm going to interject myself and ask
2 about, is this a good time to break?

3 MS. GAFFNEY-PAINTER: Oh, yes. It would be. I
4 apologize, Your Honor.

5 THE COURT: That's all right. We've reached our
6 traditional breaking point being midmorning and we are going
7 to give the jury a break, and I want you to take a break. Go
8 upstairs, relax. As always, do not discuss the case even
9 among yourselves. Keep an open mind. Keep away from the
10 media, take a break. We will be back here shortly after
11 11:05.

12 We will rise out of respect for you as you leave for your
13 20-minute break.

14 THE COURTROOM DEPUTY: All rise for the jury.

15 (Jury exited the courtroom at 10:46 a.m.)

16 THE COURT: The jury's left the room. The door is
17 closing. As always, we will stay in the courtroom until we
18 have been advised that the jury has cleared the floor and we
19 will break until shortly after 11:05.

20 During the break, the witness is not to discuss her
21 testimony with anyone. Do you understand?

22 THE WITNESS: Yes.

23 THE COURT: Thank you.

24 You can be seated or stand as you choose.

25 We're on break.

MEGAN FITZMARTIN - DIRECT

14-2279

1 THE COURTROOM DEPUTY: All rise. This Court is in
2 recess.

3 (Recess from 10:47 a.m. until 11:06 a.m.)

4 THE COURT: Are we ready for the jury from the
5 government's perspective?

6 MS. GAFFNEY-PAINTER: Yes, Your Honor.

7 THE COURT: Mr. Householder's?

8 MR. GLICKMAN: Yes, Judge.

9 THE COURT: Mr. Borges'?

10 MR. SCHNEIDER: Yes, Judge.

11 THE COURT: Let's call for the jury.

12 (Pause.)

13 THE COURT: We're going to look to break at 12:20.

14 (Pause.)

15 THE COURTROOM DEPUTY: All rise for the jury.

16 (Jury ended the courtroom at 11:11 a.m.)

17 THE COURT: Jurors can be seated as they join us.

18 You may all be seated. Thank you.

19 I hope you had a decent break. We're going to continue
20 with the taking of testimony.

21 Ms. Painter, you may approach the podium and begin.

22 MS. GAFFNEY-PAINTER: Thank you, Your Honor.

23 THE COURT: Very well.

24 Q. Ms. Martin -- excuse me -- Ms. Fitzmartin, before the
25 break, we were discussing some of your responsibilities with

1 regards to polling.

2 MS. GAFFNEY-PAINTER: Your Honor, may the government
3 have permission, please, to display both Government Exhibit
4 260A and Government Exhibit 260A1, both of which have been
5 admitted into evidence?

6 THE COURT: Yes.

7 Q. Ms. Fitzmartin, directing your attention to the left side
8 of the screen, this first page, what are we looking at here?

9 A. An email from me to Jeff Longstreth.

10 Q. And what is the date on this email?

11 A. Thursday, October 18, 2018.

12 MS. GAFFNEY-PAINTER: Ms. Terry, may we please
13 advance to the second page of 260A.

14 Q. Ms. Fitzmartin, what are we looking at here on this
15 second page?

16 A. Poll results.

17 Q. Okay. Now, if I may, direct your attention to the right
18 side of the screen, what are we looking at here?

19 A. An email from Jeff Longstreth to our website vendor.

20 Q. And who was your website vendor?

21 A. Kevin Bingle.

22 Q. And in the body of the email, can you read the body of
23 the email to us, please?

24 A. This is ready to post on Gen Now News website. Link
25 should be titled "10-18-2018 Update."

1 Q. And there is a reference there to Gen Now News website.
2 What is that?

3 A. It's a website for Generation Now.

4 Q. When you testified earlier that part of your
5 responsibility was getting polling information put on a
6 publicly available website, was this what you were referring
7 to?

8 A. Yes.

9 Q. All right. Let's go to the general election of November
10 of 2018. After that election, how did your responsibilities
11 shift?

12 A. They shifted to helping Larry Householder become
13 Speaker. So it's a continuation of my responsibilities.

14 Q. When was the vote for Speaker held?

15 A. On January 7th, 2019.

16 Q. And who were the contenders for Speaker at that time?

17 A. Larry Householder and Ryan Smith.

18 Q. Who ultimately won the vote for Speaker?

19 A. Larry Householder.

20 Q. Now, are you familiar with a piece of legislation known
21 as House Bill 6?

22 A. I've heard of it.

23 Q. What responsibilities did you have with relation to House
24 Bill 6?

25 A. As a piece of legislation, I did not have

1 responsibilities as it relates to House Bill 6.

2 Q. Did you have any responsibilities related to the
3 political side of House Bill 6?

4 A. I helped run a public relations campaign for House Bill
5 6.

6 Q. Now, when you say public relations campaign, can you just
7 explain that for us?

8 A. Certainly. I helped highlight the positive benefits of
9 House Bill 6.

10 Q. And how did you highlight the positive benefits of House
11 Bill 6?

12 A. Using typical campaign tactics -- phone, mail. I
13 believe that's it, phone and mail.

14 Q. Who assigned those responsibilities to you?

15 A. Jeff Longstreth.

16 Q. Now, were there any other individuals with JPL &
17 Associates working on House Bill 6 advocacy with you?

18 A. Certainly there were other contractors that were to
19 help advance the positive -- the positive items that came
20 with House Bill 6. Anna Lippincott as well. And other
21 vendors, mail vendors, phone vendors, et cetera.

22 Q. Now, did you ever attend any meetings about advocacy for
23 House Bill 6?

24 A. Yes.

25 Q. Who was present for those meetings?

MEGAN FITZMARTIN - DIRECT

14-2283

1 A. Can you clarify the question? At what time?

2 Q. Well, you tell us. How frequently did you attend
3 meetings related to the advocacy work for House Bill 6?

4 A. So while it was working through the legislature, every
5 once in a while, but not too often. There might have been
6 one or two meetings.

7 Q. Do you recall any of the individuals who attended those
8 one or two meetings with you?

9 A. Yes. Neil Clark, Jeff Longstreth, Anna, and me.

10 Q. Do you recall a meeting about House Bill 6 that you
11 attended on June 3rd, 2019?

12 A. I will need a little bit more information as for the
13 date. That was a couple years ago.

14 Q. So what happened with House Bill 6 on May 29, 2019, do
15 you recall?

16 A. I do not recall.

17 Q. Do you recall any conference calls held in June of 2019
18 about winning support for House Bill 6 in the Senate?

19 A. No specific conference calls.

20 Q. Now, did House Bill 6 ultimately pass the Senate?

21 A. Yes.

22 Q. And after House Bill 6 was signed into law, were there
23 further efforts made in opposition to it?

24 A. Yes.

25 Q. What was JPL & Associates' role with respect to the

1 repeal referendum?

2 A. JPL & Associates worked to stop the repeal.

3 Q. What was Neil Clark's role with respect to the repeal
4 referendum?

5 A. He advised on stopping the repeal.

6 Q. Do you recall his advice?

7 A. He would provide insight in the media materials, and he
8 also worked to stop signature collectors.

9 Q. During this time of the repeal referendum, did you have
10 any interaction at all with any of the signature collectors?

11 A. There is one individual who came to an office. The --
12 one of the signature collectors, the business side of the
13 signature collector's name was Megan, and he had completed
14 the two of us. I never met said Megan, and so upon his
15 arrival, said you have the wrong Megan, and he left.

16 Q. Do you remember what he was seeking from you at that
17 time?

18 A. A plane ticket, I believe.

19 Q. During this period of the ballot referendum, what role
20 did Matt Borges play, as far as you knew?

21 A. He was advising on the effort to stop the repeal.

22 Q. And what role did Larry Householder have as far as you
23 were aware?

24 A. He certainly wanted to keep House Bill 6 as law. When
25 the Speaker passes a law, they want to maintain said

MEGAN FITZMARTIN - DIRECT

14-2285

1 legislation, and I actually did not speak to Larry
2 Householder during the repeal effort. I don't believe we
3 had any conversations.

4 Q. Are you familiar with an entity known as Ohioans For
5 Energy Security?

6 A. Yes.

7 Q. What is Ohioans For Energy Security?

8 A. It was an entity created to stop the repeal effort of
9 House Bill 6.

10 Q. Who was associated with Ohioans For Energy Security?

11 A. Carlo LoParo was the spokesman. I believe that.

12 Q. Do you recall anyone else involved with Ohioans For
13 Energy Security?

14 A. A number of people were advising them, Ohioans For
15 Energy Security. You know, Matt Borges, Neil Clark, Jeff
16 Longstreth, and a number of others.

17 Q. I want to advance now to 2020.

18 A. Okay.

19 Q. During 2020, did you ever attend any meetings between
20 Jeff Longstreth and Larry Householder?

21 A. Yes.

22 Q. Was one such meeting in mid January of 2020?

23 A. Yes.

24 Q. And was there discussion of term limits at this meeting?

25 A. Yes, among other things, because the State Central

1 Committee was meeting to endorse. Excuse me. It was
2 meeting to endorse candidates of the 2020 election, so that
3 was a topic of discussion among mail, right in the thick of
4 campaign season again. And then also term limits came up.

5 Q. Do you recall who was present for that meeting?

6 A. Larry Householder, Jeff Longstreth, Neil Clark, and me.

7 Q. And can you explain to us what were term limits at that
8 time?

9 A. At that time, and currently, term limits, an individual
10 can hold an office for eight years. In the House that means
11 you can serve four 2-year terms. And then you can go seek
12 another office.

13 Q. Another office within the House?

14 A. Sorry. Outside the House.

15 Q. Who is Chuck Jones?

16 A. The former CEO of FirstEnergy.

17 Q. Do you recall hearing any conversations between
18 Mr. Longstreth and Mr. Householder in February of 2020 about
19 Chuck Jones and raising money?

20 A. Jeff Longstreth requested that the Speaker seek \$5
21 million in donations from Chuck Jones. I don't know if that
22 call ever happened. It was just the request that I heard.

23 Q. During the time that you worked with JPL & Associates,
24 were you aware of conversations between Larry Householder and
25 Chuck Jones?

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2287

1 **A.** I never was a part of any conversations between the two
2 of them.

3 MS. GAFFNEY-PAINTER: May I have a moment to confer,
4 Your Honor?

5 THE COURT: Yes.

6 MS. GAFFNEY-PAINTER: No further questions.

7 THE COURT: Very well. Attorneys for
8 Mr. Householder and then Mr. Borges have an opportunity to ask
9 questions.

10 On behalf of Mr. Householder.

11 MR. OLESKI: Thank you, Judge.

12 THE COURT: Yes.

13 MR. OLESKI: May I proceed?

14 THE COURT: Yes, please.

15 **CROSS-EXAMINATION**

16 BY MR. OLESKI:

17 **Q.** Good morning, Ms. Fitzmartin.

18 **A.** Good morning.

19 **Q.** My name is Nick Oleski. I am one of Mr. Householder's
20 attorneys.

21 **A.** Okay.

22 **Q.** I just have a few questions for you.

23 You indicated in your direct examination that you first
24 met Mr. Longstreth in September of 2017; is that right?

25 **A.** Correct.

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2288

1 Q. And during the course of that meeting, you learned that
2 Mr. Longstreth had an opportunity for you, right?

3 A. Yes.

4 Q. And that was an opportunity that you wanted, right?

5 A. That's correct.

6 Q. You had been in politics since 2011, I think you said?

7 A. Yes.

8 Q. And you viewed this opportunity working with
9 Mr. Longstreth as an opportunity to continue advancing your
10 political career; is that right?

11 A. That's correct.

12 Q. And during the course of that initial meeting with
13 Mr. Longstreth, you understood that the role that you would
14 have would be supporting this slate of candidates, right?

15 A. Correct.

16 Q. And then either the next day or a few days -- a few days
17 after, you first met Mr. Householder, right?

18 A. Yes.

19 Q. And you had similar conversations with Mr. Householder;
20 is that right?

21 A. Yes.

22 Q. And at the time, were you aware that there was an
23 upcoming race for Speaker of the Ohio House of
24 Representatives?

25 A. Yes.

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2289

1 **Q.** And that would have been in 2018, right? Strike that.

2 After -- that would have been a race after the general
3 election in 2018, right?

4 **A.** Yes.

5 **Q.** And who were the candidates for Speaker of the Ohio House
6 of Representatives?

7 **A.** Larry Householder and Ryan Smith.

8 **Q.** And during the course of those initial meetings with
9 Mr. Longstreth and Mr. Householder, did you come to learn that
10 they were running a slate of candidates against candidates
11 that were being run by Ryan Smith?

12 **A.** They were running candidates opposing Ryan Smith, yes.

13 **Q.** And during the course of those initial meetings with
14 Mr. Longstreth and Mr. Householder, did you learn that
15 Mr. Householder was upset with the current leadership in the
16 Ohio House of Representatives?

17 **A.** Yes. A number of people were.

18 **Q.** And ultimately after having those initial meetings with
19 Mr. Longstreth and Mr. Householder, you were offered a job
20 working for them, right?

21 **A.** Correct.

22 **Q.** And who offered you that opportunity?

23 **A.** Jeff Longstreth.

24 **Q.** And ultimately I think you testified on your direct
25 examination that you worked as a contractor for

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2290

1 Mr. Longstreth's company, JPL & Associates; is that right?

2 A. That's correct.

3 Q. And you had your own company at the time, right?

4 A. That's right.

5 Q. What was that?

6 A. MC Fitzmartin, LLC.

7 Q. And so your company contracted with Mr. Longstreth's
8 company -- with Mr. Longstreth's company, right?

9 A. That's correct.

10 Q. And I think you testified to on your direct examination
11 that over the course of a couple years you served a variety of
12 different roles working for JPL & Associates, right?

13 A. Yes.

14 Q. So initially from that September 2017 time period until
15 early February of 2018, you were focused on candidate
16 recruitment; is that right?

17 A. Yes.

18 Q. And that was something that you and Mr. Longstreth were
19 working on, right?

20 A. That's correct.

21 Q. And I think you testified in your direct examination that
22 you were looking to recruit good people to run for the Ohio
23 House of Representatives?

24 A. That's right.

25 Q. What does that mean?

1 **A.** Good people are individuals who put others before
2 themselves, and they put public service ahead of their own
3 egos.

4 **Q.** So those were the types of individuals that you were
5 looking for to recruit to run for the Ohio House of
6 Representatives; is that right?

7 **A.** That's correct.

8 **Q.** And you also mentioned during your direct examination
9 that you were looking for a cross -- cross-section of
10 individuals from the community?

11 **A.** Correct.

12 **Q.** What does that mean?

13 **A.** Again, the Ohio House of Representatives is made up of
14 99 individuals, and I think it's in the best interest, and I
15 believe a number of people would agree that it's in the best
16 interest to have a representation of all the different
17 facets of life, meaning jobs, moms, single, you know,
18 whomever, so that their interests are represented when
19 voting on legislation that impacts the seventh largest state
20 in the country.

21 **Q.** And when recruiting these candidates, you and
22 Mr. Longstreth focused on open seats, right?

23 **A.** That's right.

24 **Q.** And that means that's a seat where there is not an
25 incumbent running for office, right?

1 A. That's correct.

2 Q. And because we have term limits in Ohio, there are
3 oftentimes a number of open seats that, you know, people would
4 run -- would run for in the Ohio House of Representatives,
5 right?

6 A. Correct.

7 Q. And because you're not -- you're not working with an
8 incumbent, you are working with people who by definition
9 haven't held elected office at this level before, they need a
10 lot of help and support; is that right?

11 A. Yes.

12 Q. And those were -- and that support was something that JPL
13 could provide, right?

14 A. Correct.

15 Q. The candidates retained JPL to provide kind of a soup to
16 nuts experience, right?

17 A. Yes. I have heard that term or phrase multiple times.

18 Q. And what does that phrase mean, to your knowledge?

19 A. It means -- it can be a very convoluted process to run
20 a campaign, and so the idea would be to have a one-stop shop
21 to have a menu of options for -- for your campaign, as
22 opposed to having to navigate through the murky waters.

23 Q. And those were services that Mr. Longstreth and his
24 related companies could provide?

25 A. Correct.

1 Q. And Mr. Longstreth at the time had a company, JPL &
2 Associates, right?

3 A. That's right.

4 Q. And then he also had another company called Constant
5 Content, right?

6 A. That's right.

7 Q. And the slate of candidates who were ultimately recruited
8 to run for the Ohio House of Representatives during the 2018
9 elections ultimately retained both Constant Content and JPL to
10 provide various services to them, right?

11 A. That's my understanding, yes.

12 Q. And is it your understanding that the candidates paid
13 monthly retainers both to JPL and to Constant Content for
14 those services?

15 A. Yes.

16 Q. Now, you testified to in your direct examination
17 regarding endorsements by the central committee. Do you
18 recall that?

19 A. Yes.

20 Q. And I think you had indicated that there was a
21 traditional approach to endorsements and a nontraditional
22 approach to endorsements, right?

23 A. Correct.

24 Q. And if I understand -- if I understood your testimony
25 correctly, the traditional approach would be that the

1 Republican central committee would not endorse candidates in
2 contested primaries; is that right?

3 A. That's my understanding, right.

4 Q. And what is a contested primary?

5 A. A contested primary would be when there is more than
6 one candidate.

7 Q. And in this case in the context of the 2018 elections,
8 was it your understanding that oftentimes the primaries were
9 contested?

10 A. Yes.

11 Q. And in many instances, the contested candidates for --
12 strike that.

13 In many cases, the candidates that were contesting those
14 primaries, some were supported by Mr. Householder and the
15 others were supported by Mr. Smith; is that right?

16 A. Yes.

17 Q. And Mr. -- and if I understood your testimony correctly,
18 Mr. Smith was advocating that the central committee endorse
19 his slate of candidates?

20 A. That's correct.

21 Q. And that would have been the nontraditional approach for
22 candidate endorsements, right?

23 A. Correct.

24 Q. And ultimately Mr. Longstreth and you were advocating for
25 taking the traditional approach, right?

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2295

1 A. That's right.

2 Q. And that would mean that the central committee would not
3 endorse?

4 A. Correct. Just let the primaries play out.

5 Q. And was it your understanding, as well, that Mr. -- that
6 Mr. Smith -- that Mr. Smith's slate of candidates were being
7 supported by the Republican Caucus during those election
8 primaries?

9 A. Correct. They were being supported by the Ohio House
10 Republican Caucus.

11 Q. And would that also be a nontraditional use of the
12 Republican party's monies to support candidates in contested
13 primaries?

14 A. That's my understanding.

15 THE JUROR: Your Honor?

16 THE COURT: Yes.

17 THE JUROR: Can we take a ten-minute break if I
18 could use the restroom?

19 THE COURT: Yes. We're going to take a ten-minute
20 break. During the break, do not discuss the case among
21 yourselves.

22 THE COURTROOM DEPUTY: All rise for the jury.

23 THE COURT: Get up and move around.

24 (Jury exited the courtroom at 11:34 a.m.)

25 THE COURT: A short, ten-minute break. Let's stay

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2296

1 in the courtroom until we're advised the jury has cleared the
2 floor.

3 (Pause.)

4 THE COURT: This is a short break, and the jury is
5 hanging out on this floor. So if we might all be seated and
6 remain quiet off the record. We'll get the jury back as soon
7 as we can. You can remain standing if you wish.

8 (Recess from 11:36 a.m. until 11:38 a.m.)

9 THE COURTROOM DEPUTY: All rise for the jury.

10 (Jury entered the room at 11:38 a.m.)

11 THE COURT: You may all be seated. Thank you.

12 And they are back. We will continue to take testimony.

13 Q. Circling back to candidate recruitment and recruiting
14 these good people to run for the Ohio House of
15 Representatives, in your experience during your time working
16 for JPL, did you ever observe Mr. Householder pressuring or
17 cajoling any of these candidates for their support?

18 A. No, I did not.

19 Q. After February of 2018, which is the filing deadline for
20 the candidates to -- to submit their petitions to run for the
21 Ohio House of Representatives, your role shifted after that
22 point, right?

23 A. Yes.

24 Q. You went from candidate recruitment to helping support
25 these candidates in their primary elections, right?

1 A. That's correct.

2 Q. And you focused on -- what did you focus on during that
3 time period?

4 A. I focused on their campaign, so grassroots and media
5 efforts.

6 Q. And you would -- you spoke to these candidates on a daily
7 basis; is that right?

8 A. Multiple times a day.

9 Q. And fair to say that each one of these candidates was
10 unique in how they wanted their imaging managed?

11 A. That's correct.

12 Q. Some of them wanted complete control over -- over their
13 imaging and marketing, right?

14 A. That's right.

15 Q. And others were more laid back about that, right?

16 A. That's correct.

17 Q. But either way, the individual candidates had final
18 approval over any mailing or advertisements that went out,
19 right?

20 A. Correct.

21 Q. And during that time period, as well, after the filing
22 deadline in February of 2018, were there -- were there
23 meetings at the JPL offices on State Street with the
24 candidates and various lobbyists?

25 A. Yes.

1 Q. And those were held on a regular basis, right?

2 A. That's correct.

3 Q. And do I understand this correctly, that lobbyists and
4 other interested individuals from companies like the utility
5 companies to -- to Medicaid and a variety of other industries
6 would meet with these candidates?

7 A. Correct.

8 Q. And why would they do -- and why would you set up those
9 kinds of meetings?

10 A. Due to term limits, there's a knowledge gap. And so in
11 order to make sure that folks not only have to know where
12 the restroom is but also how to vote on -- you know, have an
13 understanding or at least a foundation on policy. The
14 concept was to make sure that they at least had a -- an
15 understanding or an overview of some -- some base, you know,
16 whether it's Medicaid, utilities, or whatever industry, a
17 basic concept.

18 Q. The point is to build up the candidate -- these
19 candidates' knowledge bases for a variety of different
20 industries, right?

21 A. Correct.

22 Q. Because ultimately, if these individuals succeed and are
23 elected members of the Ohio House of Representatives, they
24 will have to vote on and consider issues relating to the
25 utilities, labor unions, and Medicaid, right?

1 A. That's right. They immediately have to look at the
2 budget.

3 Q. And those are just, you know, a handful of examples,
4 right?

5 A. Correct.

6 Q. We would want our elected officials to be educated on
7 these variety of issues, right?

8 A. That's the idea.

9 Q. And so in May of 2018 are the primary elections; is that
10 right?

11 A. Correct.

12 Q. And I think you had testified to on your direct
13 examination that in the lead-up to the primary elections, you
14 worked 80 to 100 hours a week, right?

15 A. Correct.

16 Q. Helping support or helping these slate of candidates
17 get -- win their primary elections, right?

18 A. That's correct.

19 MR. OLESKI: PJ -- or Your Honor, if we could
20 publish Government's Exhibit 241D, which has been admitted.

21 THE COURT: Yes.

22 MR. OLESKI: PJ, if you could just enlarge that a
23 little bit.

24 Q. Do you see that on your screen, Ms. Fitzmartin?

25 A. I do not yet -- there we go.

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2300

1 Q. Do you recognize this as an email sent by Jeff Longstreth
2 to a number of individuals, including yourself?

3 A. Correct. I see my name and Jeff Longstreth's name.

4 Q. And Mr. Longstreth sent this email on May 8, 2018, right?

5 A. Correct.

6 Q. And May 8, 2018, was the date of the primary elections in
7 2018, right?

8 A. That's correct.

9 Q. And there are a number of different -- a number of
10 individuals who he sent this email to, correct?

11 A. Correct.

12 Q. And the subject of the email is Update No. 3, right?

13 A. Yes, yes.

14 Q. Presumably there is an Update No. 1 and an Update No. 2,
15 right?

16 A. I would presume that as well, yes.

17 MR. OLESKI: PJ, if you could go to the attachment,
18 the next page.

19 Q. And this would reflect the Householder v. Smith primary
20 elections, right?

21 A. Correct.

22 Q. Mr. Longstreth was giving an update to these various
23 individuals regarding the initial results from those primary
24 elections, right?

25 A. Correct.

1 Q. And how the Householder candidates were doing against the
2 Smith candidates, right?

3 A. Correct.

4 Q. And I think you testified on your direct examination that
5 Team Householder went 20 and 1?

6 A. Correct.

7 MR. OLESKI: You can take that down, PJ.

8 Q. And then after the primary elections in 2018, your role
9 shifted to helping the candidates in the general election,
10 right?

11 A. That's correct.

12 Q. Is it fair to say that the slate of candidates that you
13 helped changed over time?

14 A. Yes.

15 Q. So the slate of candidates you were helping during the
16 primary elections in 2018 were different than the candidates
17 that you were helping support in the general elections, right?

18 A. The slate evolved, yes.

19 Q. And why did the slate evolve?

20 A. There are a number of political calculations as to why
21 the slate would evolve. There are -- you know, some
22 individuals have a tough primary but have a relatively easy
23 general election, and some people ran unopposed in the
24 primary but then have a tough general election just based on
25 the demographics of each individual district.

1 **Q.** And ultimately, I think you testified to on your direct
2 examination, that you again worked 80 to 100 weeks helping
3 these candidates win their elections during the general
4 elections, right?

5 **A.** Yes. Campaigns are hard.

6 MR. OLESKI: Your Honor, permission to publish
7 Householder Exhibit 338, which has been admitted.

8 THE COURT: Yes.

9 MR. OLESKI: Can you blow that up, PJ?

10 **Q.** Do you recognize this, Ms. Fitzmartin, as an email sent
11 from Mr. Longstreth to you and a number of other individuals
12 on November 5th of 2018?

13 **A.** Yes.

14 **Q.** Now, during the course of this trial, we've heard the
15 phrase Team Householder quite a bit. What does Team
16 Householder mean?

17 **A.** A team, I mean, candidate's name, is just a pretty
18 common nomenclature to use to make sure that you're
19 identified as being a part of the candidate's team. So Team
20 Householder or team -- I've had a number of bosses
21 throughout the years, and it's team my boss's name.

22 **Q.** And Team Householder would include the various
23 individuals working to support Mr. Householder's interests,
24 right?

25 **A.** Correct.

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2303

1 **Q.** So not just the slate of candidates, right?

2 **A.** Correct.

3 **Q.** You're part of Team Householder, right?

4 **A.** Yes, I am. Or was.

5 **Q.** And this email by Mr. Longstreth was sent on the night
6 before the general elections in 2018; is that right?

7 **A.** Yes.

8 **Q.** And do you recognize all of the individuals that he sent
9 this email to to also have been part of Team Householder?

10 **A.** Correct.

11 **Q.** And, Ms. Fitzmartin, if you don't mind reading this
12 email, please.

13 **A.** Hi, Team Householder.

14 I just wanted to drop you all a note and tell you how
15 thankful I am for all the hard work, blood, sweat, and tears
16 you have given to the team over the last two years.

17 We started with nothing more than an appreciation to
18 shake up the system and an admiration for our guy Larry
19 Householder. In that time, we've all learned what an
20 inspirational leader he is and we've built the best team in
21 Ohio politics.

22 I'm so honored to have been part of such a special
23 group of people. Every single person on this team has given
24 up their time and energy to ensure victory, and each of you
25 deserves special credit for bringing home the victory.

1 I've spent time thinking about each of you tonight and
2 how you've helped us to get to this point. From that moment
3 we started to raise -- started raising money, to recruiting
4 candidates, to developing candidates, to the mail, research,
5 communications, photography, polling, phones, digital --

6 THE COURT: If you'll slow down, she's got to write
7 it all down. Go ahead.

8 A. Not only did we do it for 21 newbie candidates in the
9 primary against an organized, well-funded operation that
10 tried to kill us --

11 THE COURT: I'm really, really sorry. Will you read
12 slower? She has to write everything down.

13 THE WITNESS: Yes.

14 THE COURT: "Not only."

15 THE WITNESS: This team has never backed down, never
16 complained, and never stopped fighting to win.

17 By this time tomorrow night, we will see the fruits of
18 our labor and we are going to be victorious thanks to your
19 efforts.

20 Thank you and your teams for giving everything you have
21 to this cause.

22 Let's go win. Jeff.

23 Sent from my iPhone.

24 Q. And between September of 2017 and November of 2018, you
25 worked 80 to 100 hour workweeks helping support this slate of

1 candidates, right?

2 A. Correct.

3 Q. Ultimately all to get to that -- to this goal, to the
4 general elections in 2018, right?

5 A. Correct. Campaigns are built to win.

6 Q. And after the November 2018 elections, Mr. Householder
7 and Mr. Smith swear off in their race for Speaker, right?

8 A. Correct.

9 Q. And ultimately, Mr. Householder was successful and he was
10 elected Speaker of the Ohio House of Representatives in
11 January of 2019, correct?

12 A. That's right.

13 MR. OLESKI: You can take this down, PJ.

14 Q. Now, between September of 2017 and January of 2019, you
15 were working from your home; is that right?

16 A. I worked from my home and reported to an office.

17 Q. And the office was the JPL office at State Street?

18 A. Correct.

19 Q. And to be fair, I think you testified to in your direct
20 examination that Mr. Householder's campaign also had an office
21 space at that location?

22 A. That was my understanding, yes.

23 Q. After Mr. Householder was elected Speaker, did he no
24 longer have office space at that location?

25 A. That's correct.

MEGAN FITZMARTIN - CROSS (HOUSEHOLDER)

14-2306

1 Q. Where was his office space after that point?

2 A. He had an official office in the Riffe Center and a
3 ceremonial office in the State House. And I very, very
4 rarely saw him because he was doing the people's work.

5 Q. And JP&L also -- JPL & Associates also moved out of the
6 State Street office, right?

7 A. That's correct.

8 Q. And where did -- where did JPL move to?

9 A. When an individual's elected Speaker, they assume
10 authority of the campaign caucus, and at that time the
11 campaign caucus was in -- so the political arm of the House
12 was in an office on Broad Street. There was -- they were in
13 the midst of a lease.

14 Q. And your role shifted to the political side of things,
15 right?

16 A. I continued on the political side of things, yes.

17 Q. Fair enough. And you rarely saw Mr. Householder after
18 January of 2019, correct?

19 A. Correct.

20 Q. You testified in your direct examination that you
21 currently work for the state of Ohio, I think is what you
22 said, right?

23 A. Correct.

24 Q. Who do you work for currently?

25 A. I work for Speaker Jason Stephens.

MEGAN FITZMARTIN - CROSS (BORGES)

14-2307

1 **Q.** The current Speaker of the Ohio House of Representatives;
2 is that right?

3 **A.** That's correct.

4 MR. OLESKI: Moment to confer, Judge?

5 THE COURT: Yes.

6 MR. OLESKI: I have no further questions, Judge.

7 THE COURT: Very well. Questions on behalf of
8 Mr. Borges, if any?

9 MR. SCHNEIDER: Yes, thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 BY MR. SCHNEIDER:

12 **Q.** Ms. Fitzmartin, good morning. I had to look to see if I
13 could say this morning.

14 **A.** You're safe.

15 **Q.** Just a couple questions for you. You had been asked on
16 direct examination about these kitchen cabinet calls. Matt
17 Borges wasn't on those, was he?

18 **A.** No.

19 **Q.** All right.

20 **A.** He and Speaker Householder didn't get along.

21 **Q.** Right. And, in fact, they didn't get along, did they?

22 **A.** Correct.

23 **Q.** And you indicated, you know, obviously there was a slate
24 of candidates, and you managed and oversaw a lot of those.
25 Stu Harris was one, and he was conflicted on the Speaker,

1 wasn't he?

2 **A.** He was.

3 **Q.** He was. And the reference to -- in the text message you
4 were shown by the prosecutor dealing with checking out the
5 process with the endorsement by the state Republican party,
6 that was reference that Matt had been former chairman and he
7 might ask -- be able to take the temperature and see whether
8 or not the nontraditional policy of not endorsing during
9 contested primaries might be changing, correct?

10 **A.** Correct.

11 **Q.** Right. Nobody asked him to change the policy or to
12 advocate. Just what's the process because you were state
13 chairman, and have you heard anything different?

14 **A.** Correct.

15 **Q.** That was the extent of it, right?

16 **A.** Correct.

17 **Q.** Okay. And one of the candidates that were on your slate
18 of candidates was Jon Cross, correct?

19 **A.** Yes.

20 **Q.** Right. And Jon, his opponent was Cheryl Buckland,
21 correct?

22 **A.** That's right.

23 **Q.** And you and Matt discussed Cheryl Buckland and his
24 sentiments towards her, correct?

25 **A.** Correct.

MEGAN FITZMARTIN - CROSS (BORGES)

14-2309

1 Q. And you understood those sentiments to be that he was a
2 friend of hers and he was going to support her?

3 A. That's right.

4 Q. Okay. And -- but he was upfront with you on that,
5 correct?

6 A. Yes.

7 Q. At the end of the day, your candidate prevailed, correct?

8 A. That's right.

9 Q. Right. And you actually did a stint of time, did you
10 not, at the Ohio Republican party that Matt hired you for a
11 project?

12 A. That's right, I worked for Matt.

13 Q. And with respect -- just going back here to Stu Harris.
14 Were you aware that Amie Kershner was fundraising for Ryan
15 Smith, correct?

16 A. That's correct.

17 Q. And were you aware that Amie would regularly attend Stu
18 Harris candidates' meetings, or campaign meetings?

19 A. I'm unaware.

20 Q. Okay.

21 MR. SCHNEIDER: Thank you. No further questions,
22 Judge.

23 THE COURT: Very well. Does the government have
24 redirect?

25 MS. GAFFNEY-PAINTER: Just briefly, Your Honor.

MEGAN FITZMARTIN - REDIRECT

14-2310

1 THE COURT: Very well. You may approach the podium.

2 MS. GAFFNEY-PAINTER: Thank you.

3 **REDIRECT EXAMINATION**

4 BY MS. GAFFNEY-PAINTER:

5 Q. Ms. Fitzmartin, on cross-examination you were asked some
6 questions about JPL's offices on State Street. Do you recall
7 those questions?

8 A. Yes.

9 Q. Generation Now's office was also in that same space,
10 correct?

11 A. I am not aware.

12 MS. GAFFNEY-PAINTER: Ms. Terry, will you -- may I
13 ask first for permission. May we publish what's already been
14 admitted as Government Exhibit 201A?

15 THE COURT: You asked very nicely. And, yes.

16 MS. GAFFNEY-PAINTER: Thank you.

17 Ms. Terry, will you please pull up Government's Exhibit
18 201A.

19 Will you please advance a little bit further, Ms. Terry,
20 please. If you could advance a little bit further, please. I
21 apologize. I don't know the exact page number.

22 This is great. Thank you.

23 Q. Ms. Fitzmartin, looking at this, do you recognize this
24 floor plan?

25 A. Yes.

MEGAN FITZMARTIN - REDIRECT

14-2311

1 Q. And what is this floor plan for?

2 A. It appears to be an office space for -- that I'd report
3 to.

4 MS. GAFFNEY-PAINTER: And if we could, please,
5 Ms. Terry, may we please blow up the very bottom of this page.
6 That footnoted area.

7 Q. Ms. Fitzmartin, directing your attention to this, the
8 middle of this row here, what is the address that's listed
9 here? Beneath the ads --

10 A. Capitol Square Office Building, 65 East State Street,
11 Columbus, Ohio, 43215. Suite 2540.

12 Q. Thank you. Now, Ms. Fitzmartin, were you still working
13 with JPL & Associates in 2020?

14 A. Yes.

15 Q. And what is the HRCC?

16 A. House Republican Campaign Committee.

17 Q. Now in 2020, who was Speaker of the Ohio House?

18 A. Larry Householder.

19 MR. OLESKI: Objection, Judge. Beyond the scope.

20 MS. GAFFNEY-PAINTER: Your Honor, I can explain
21 where we're going.

22 Q. You were asked a series of questions about traditional
23 versus nontraditional approach to endorsements. Do you recall
24 those questions?

25 A. Yes.

MEGAN FITZMARTIN - REDIRECT

14-2312

1 Q. In 2020, were you aware that it was the plan of the House
2 Republican Campaign Committee to support Larry Householder
3 candidates in 2020 by offering an endorsement?

4 MR. OLESKI: Objection; leading.

5 THE COURT: Overruled. Please proceed.

6 THE WITNESS: An endorsement by whom?

7 Q. By the House Republican Campaign Committee.

8 A. Incumbents weren't -- are automatically endorsed by the
9 House Republican Campaign Committee.

10 Q. Ms. Fitzmartin, you mentioned on cross-examination that
11 Speaker Householder was doing the people's work, and that's
12 why you didn't have much contact with him. What does
13 "people's work" mean to you?

14 A. The official office of the Speaker of the House, so
15 legislation and all that entails of being the Speaker.

16 MS. GAFFNEY-PAINTER: May I have a moment to confer,
17 Your Honor?

18 THE COURT: Yes.

19 MS. GAFFNEY-PAINTER: No further questions. Thank
20 you.

21 THE COURT: Very well. Recross on redirect from
22 Mr. Householder's counsel, if any.

23 MR. OLESKI: No questions, Judge.

24 THE COURT: Mr. Borges?

25 MR. SCHNEIDER: No questions, Judge.

MEGAN FITZMARTIN - REDIRECT

14-2313

1 THE COURT: My goodness. You appear to have
2 survived. You are free to go.

3 THE WITNESS: Thank you, sir.

4 THE COURT: We were anticipating breaking at 12:20.
5 What's the government make of that?

6 MS. GLATFELTER: We have our next witness here ready
7 to call if we can proceed with that.

8 THE COURT: Yes, please. Who do you call?

9 MS. GLATFELTER: The government calls Beth Ellis.

10 THE COURT: Someone's gone to retrieve that witness.
11 And we will need to break at 12:20.

12 MS. GLATFELTER: May I approach, Your Honor?

13 THE COURT: Yes.

14 (Pause.)

15 THE COURT: Good afternoon. If you'd follow her.
16 You're headed to the witness stand. If you'd be willing to
17 pause where you are and raise your right hand for the oath to
18 tell the truth.

19 THE COURTROOM DEPUTY: You do solemnly swear or
20 affirm that the testimony you are about to give in this case
21 will be the truth, the whole truth, and nothing but the truth.
22 This you do affirm under the pains and penalties of perjury?

23 THE WITNESS: Yes.

24 THE COURT: That was awfully fast, Ms. Santoro.

25 You are welcome to be seated. I tell everybody the seat

BETH ELLIS - DIRECT

14-2314

1 tips back so be careful. I need you close to the microphone.
2 And the lawyers have some questions.

3 On behalf of the government, Ms. Glatfelter.

4 MS. GLATFELTER: Thank you.

5 **BETH ELLIS**

6 of lawful age, Witness herein, was examined and testified as
7 follows:

8 **DIRECT EXAMINATION**

9 BY MS. GLATFELTER:

10 **Q.** I guess good morning/good afternoon, Ms. Ellis. Can you
11 state and spell your name for the record.

12 **A.** Beth Ellis, B-E-T-H E-L-L-I-S.

13 **Q.** Ms. Ellis, do you reside in Ohio?

14 **A.** I do.

15 **Q.** What city and county do you reside?

16 **A.** Sabina, Clinton County.

17 **Q.** Okay. And can you describe for the jurors what Clinton
18 County is or what's it like in terms of geography and makeup?

19 **A.** Sure. Clinton County is a small, rural county. It's
20 flat. Not a lot of terrain except in the southern part and
21 it's agricultural county. There is some industry. A big
22 airport there that gets some flights that come in from
23 Amazon, but it's good, good people, hardworking people.

24 **Q.** Did you grow up in Ohio?

25 **A.** I did.

BETH ELLIS - DIRECT

14-2315

1 Q. Where'd you grow up?

2 A. In Clinton County.

3 Q. Do you currently work?

4 A. I do.

5 Q. What do you do?

6 A. I'm a farmer. My husband and I are farmers, and I own
7 and operate a pheasant hunting preserve.

8 Q. What's a pheasant hunting preserve?

9 A. So part of our farm has a preserve license, and we
10 raise and release game birds, and then people can come out
11 and have membership and can bring their dogs out or come out
12 and do a traditional pheasant hunt and take the pheasant
13 home and prepare it for dinner. It keeps them -- keeps
14 people connected to their food sources.

15 Q. And you mentioned you have a farm. Is it all pheasant
16 raising or do you have other things that you do on the farm?

17 A. The pheasant farm is a small part of it. Actually, we
18 farm about 7300 acres as a whole family. My husband's
19 family's been on the same road since just before the Civil
20 War. So it's going into what, our sixth generation of
21 farmers. We've expanded it over time, and it's a legacy
22 that we take care of and are embedded in the community for
23 sure.

24 Q. Do you have any license or licenses?

25 A. Well, myself, I wasn't a farmer. I didn't grow up to

BETH ELLIS - DIRECT

14-2316

1 be a farmer. I actually left Clinton County to go to Ohio
2 State and got my degree in radiologic technology and then
3 specialized in ultrasound. And I worked at the hospital for
4 almost 18 years doing that and interventional radiology.

5 And then as our farm grew and had babies and it just
6 got a little overwhelming with the pheasant farm because it
7 is a retail business. So I left my job at the hospital and
8 started working on the farm full time, helping with the
9 books, helping with the office management of the farm side,
10 and then also the day-to-day operations of the pheasant
11 hunting preserve.

12 And then while I was there, I -- the little farm there
13 has a grass runway. It's a public runway, but it's a grass
14 strip, and I got my pilot's license, as well. And I learned
15 to fly airplanes. So that afforded me the ability to have
16 the time to do that, which was unexpected as well, but I
17 enjoyed it.

18 **Q.** Have you recently founded any organizations?

19 **A.** Yeah. I -- in 2019, we created a nonprofit called
20 Operation Cherrybend. We found that our environment is
21 conducive to and very welcoming for combat veterans, and
22 talk about hunting, fishing, skydiving, take airplane rides.
23 And talk about veterans suffering with PTSD, suicidal
24 tendencies, forming a network. It's just such a great
25 atmosphere. People can come. And it's got such a great

1 vibe.

2 And now we have a big event every year in September.
3 And we have 43 veterans from all over the United States,
4 from Florida to Alaska. We raised funds to fly them all in.
5 They didn't have to pay for a thing. And then we had
6 sporting tournaments, shooting tournaments, coyote hunting,
7 skydiving, anything we could do to give them network and
8 bonding moments.

9 And then they -- we meet every Sunday night on Zoom so
10 they can connect -- reconnect and stay. Do a check-in,
11 making sure if you have a rough week, it's just another
12 voice on the line.

13 Q. And that's an organization that you founded and run?

14 A. Correct. It's a 501(c)(3).

15 Q. Now, have you ever run for office?

16 A. I did. I ran for office in 2018.

17 Q. Okay. And what office did you run for?

18 A. I ran for state representative of the 91st District.

19 MS. GLATFELTER: Your Honor, permission to publish
20 what has been admitted as Exhibit 8.

21 THE COURT: Yes.

22 Q. Ms. Ellis, do you see the map on your screen?

23 A. Not yet. Oh, there it is, yes.

24 Q. Could you -- do you see the district that you were
25 running to represent --

BETH ELLIS - DIRECT

14-2318

1 A. I do.

2 Q. -- depicted on this map? Could you circle it for us?

3 MS. GLATFELTER: Ms. Santoro, could she have the
4 ability --

5 THE WITNESS: Is that this thing?

6 Q. Yes. Or you could use your finger.

7 A. (Drawing.) That's the 91st district, which is Clinton,
8 Highland, and Pike Counties.

9 Q. Now, when you were running, did you participate in the
10 primary election in 2018?

11 A. That's correct, I did.

12 Q. Okay. And were you running -- and how were you running?
13 As a Republican or --

14 A. Yes, that's correct, as a Republican.

15 Q. Okay. And why did you seek to run for office?

16 A. That's kind of a convoluted story. But honestly, one
17 of the things I belonged to was the Farm Bureau, and I was
18 active in the community with Farm Bureau, and then I was
19 also appointed to the board of directors for the airport,
20 the port authority. And so you have a lot of communication
21 for the state for funding for ODOT, you know, to keep the
22 runway safe and keep it, you know, kept up.

23 And then with the Farm Bureau, on the ag side, I would
24 go and once a year we would go to Washington, D.C., to talk
25 to our representation there about how important the issues

BETH ELLIS - DIRECT

14-2319

1 are and whether it was relevant to waters of the United
2 States or the Farm Bill, the things that affect us. So when
3 your representatives get to see you, you're regular everyday
4 people and how stuff's affecting them, you just got to get
5 in front of them and get their ear so we would do that.

6 And in the State House in Ohio, I went up a couple
7 times and gave testimony on CAUV, which is the taxes, the
8 property taxes that we pay on farms. It got really out of
9 balance there in the mid teens, about 2012 or so and on, and
10 it was really having an impact to farm communities with the
11 price of grain. And the way the formula was, it was skewed
12 and it needed to be updated.

13 And I went and I spoke at the State House and gave
14 testimony how it's affecting our farm and young farmers
15 trying to get in the business and old farmers trying to
16 retire so -- and then I think I testified also a different
17 time on sales tax and small business.

18 So that got me into that, that world of really how
19 important it was to talk to representatives and to,
20 especially small districts like ours, it's a big district
21 geographically but the population is not great so you have
22 to have somebody active to get out there and talk about your
23 area. And somebody said to me, have you ever thought about
24 running for office and, you know, the seat's coming open in
25 your district. And, well, I'm not sure I'm qualified. Am I

BETH ELLIS - DIRECT

14-2320

1 qualified, and of course you're qualified, everybody's
2 qualified. And so it really sprung from that.

3 And then very soon after that I started getting in
4 contact with people and made it happen.

5 **Q.** So if I understand you, after your testimony at the State
6 House, someone asked you if you had ever considered running
7 and that's when you started thinking about it?

8 **A.** Yeah. I didn't think I was -- I mean, who am I? I'm
9 just a farmer's wife, right. I don't know. I just didn't
10 know if -- you don't see very many women, quite frankly, in
11 the State House. And I didn't know it was an option I guess
12 until somebody asked have you ever thought about it and I
13 hadn't and then I started thinking about it.

14 And I thought, this might be a good thing. And then
15 when I started talking about it, then at the time, the
16 Speaker was Speaker Rosenberger, and he was from our
17 district. So that was kind of a special thing because the
18 Speaker of the House of Ohio was the representative for the
19 91st District and he was terming out, which is a big deal,
20 because then they'd have to get a new Speaker.

21 So his seat was going to be open and so was the
22 Speakership. And so I talked to him and he said, you're
23 absolutely qualified. You would be a wonderful asset to the
24 State House, being a woman, with all your experiences in
25 healthcare and, you know, aviation, farming, small business

BETH ELLIS - DIRECT

14-2321

1 ownership, and nonprofits, it would be amazing.

2 MR. OLESKI: Objection, non-responsive. Can she
3 answer questions, please.

4 THE COURT: Overruled.

5 THE WITNESS: So, yes, that's how I --

6 THE COURT: Excuse me. Will you slow down a little
7 bit? She has to write it all down. You're doing fine.

8 THE WITNESS: Okay.

9 Q. Is this your first time testifying in court?

10 A. Of course.

11 Q. All right. So we'll go a little bit slower here.

12 So you mentioned that the former Speaker, Speaker
13 Rosenberger had -- you had talked to him about running for
14 office?

15 A. I did.

16 Q. Okay. And at the time you decided to get involved in the
17 election, did you know anything about a Team Householder or a
18 Team Smith?

19 A. I did not.

20 Q. Had you even heard of Larry Householder?

21 A. No, not until -- huh-uh, not until I started running.

22 Q. Did you have to raise money to run for office?

23 A. I did.

24 Q. And how did you raise money?

25 A. Making the ask. That was the hardest thing in the

BETH ELLIS - DIRECT

14-2322

1 world for me to do. I've always worked for every dollar I
2 had, and it was hard to ask people for money to help me in
3 my campaign, but I did. You make calls. You knock on
4 doors. You have events. Small events in your community.
5 People who are, you know, are supportive of you, you call
6 and ask.

7 Q. And did you receive some financial support too from an
8 entity called OROC?

9 A. I did.

10 Q. What is OROC?

11 A. It's the Ohio House Republican Organizational
12 Committee, which, if I understand right, is generally under
13 the control of the Speaker of the House. And at the time,
14 of course, the Speaker was from my district.

15 Q. Okay. And so they financially supported your campaign
16 committee?

17 A. Some. I mean, I raised money about what, 65,000, maybe
18 \$62,000, and then I sent some to them. And then they would
19 help with me making fliers and mailers, things like that.
20 They'd, you know, advise, advise me on that.

21 Q. And so at that point what my next question was, what did
22 you spend the money you raised, what did you spend it on?

23 A. Newspaper ads, mailers about my skills, my skill sets,
24 positive mailers about my skill sets. That's pretty much
25 it.

BETH ELLIS - DIRECT

14-2323

1 Q. Now, the primary season, you said you were running in
2 2018. So when was the primary season?

3 A. The primary was on May 8th, I believe. So I'd actually
4 announced I was running in 2017. I had a lot to get ahead
5 of because I needed to learn the district. I really felt
6 like studying the district, and so that's what I did for
7 that pretty much a year. I drove a lot.

8 Q. And the filing deadline for that primary was in or around
9 February; is that right?

10 A. I think it was February 8th maybe.

11 Q. Okay. And were you running unopposed for a period of
12 time up until the reporting deadline?

13 A. Correct. I was unopposed up until pretty much the
14 eleventh hour, and then a commissioner from Highland County,
15 Shane Wilkin, entered the race.

16 Q. Now, after Shane Wilkin entered the race, did you -- did
17 your district start receiving negative ads about you?

18 A. Yes. A lot happened very quickly from February, March,
19 and April, one of which was the Speaker resigned from his
20 position. And it just -- everything, the rails just came
21 off. These mailers started coming in the mail.

22 Q. Okay. So let me ask you about these, and I know -- I'm
23 sorry to bring it up, but I want to ask you a few questions
24 about these mailers.

25 Did you receive these ads or these mailers to your own

BETH ELLIS - DIRECT

14-2324

1 house?

2 A. Yes.

3 Q. And how did you receive them?

4 A. In the mailbox. You mean, how did I perceive them?

5 Q. No. Did you receive them -- before when we spoke, you
6 referenced a family member that brought them into you.

7 A. Oh, right. So I had people calling me, did you check
8 your mailbox. No, I didn't check my mailbox today.

9 One day my son got off the bus and checked the mailbox
10 and he was upset. He's like, Mom, look at this. What is
11 it?

12 MR. OLESKI: Objection.

13 THE WITNESS: It was a --

14 THE COURT: Excuse me for a moment. There is an
15 objection.

16 MR. OLESKI: May we have a sidebar, please?

17 THE COURT: Yes.

18 MR. OLESKI: Thank you.

19 **BEGIN SIDEBAR CONFERENCE**

20 MR. OLESKI: Judge, the basis of my objection is
21 relevance. The fact that this witness received or was the
22 subject of negative campaign mailers I don't think matters. I
23 don't think her perception of the mailers were mean to her or
24 derogatory matters in this case.

25 I think she testified that she was a candidate for this

BETH ELLIS - DIRECT

14-2325

1 House district. She was supported by OROC. And that she ran
2 against Shane Wilkin, who's a member of Team Householder. I
3 think that's the extent to what this witness can testify to.

4 Based on the -- I'm sorry, Judge. Based on the *Jencks*
5 material we received, this witness hasn't spoken to
6 Mr. Householder, Mr. Longstreth, or Mr. Borges. So we don't
7 think that she has anything else relevant to say.

8 THE COURT: Very well. On behalf of the government.

9 MS. GLATFELTER: Thank you, Your Honor. It is
10 highly relevant. She is going to testify, the necessary
11 questions are the mailers that she received which came through
12 the Growth and Opportunity PAC which was fully funded at that
13 time by Generation Now. She received these mailers. She will
14 testify that these mailers absolutely affected the race, and
15 by the time the primary came around, she didn't want to run
16 for office because of the effect they had on her and the
17 community.

18 This jury is entitled to hear what -- what happened with
19 these mailers and the effect that they had on the race because
20 this is part of the enterprise. This is what the goal was, if
21 the goal was for Team Householder to elect a slate of
22 candidates and this is how they went about doing it.

23 THE COURT: Last response.

24 MR. OLESKI: Number one, I don't think that this
25 witness is qualified to testify about whether the mailers

BETH ELLIS - DIRECT

14-2326

1 affected the outcome of the election. And to the extent that
2 the government intends to use the mailers to say that they --
3 that the mailers had such a negative effect on this witness
4 that she no longer runs or wants to run for elective office, I
5 don't think that's relevant; and if it is relevant, it is
6 unfairly prejudicial under 403. I don't think it's relevant
7 at all to the enterprise allegations or anything else in this
8 case, Judge.

9 THE COURT: I disagree and overrule the objection as
10 to relevance, and I overrule the objection as to 403.

11 Let's get on with it.

12 MR. OLESKI: Thank you.

13 **END OF SIDEBAR CONFERENCE**

14 THE COURT: If you want to resume questions now,
15 fine; if we should break now, fine. We are on a tight
16 schedule.

17 MS. GLATFELTER: Your Honor, we can break now. I
18 think, as I understand it, we are going to take a 15-minute
19 break; is that right?

20 THE COURT: We are taking a 30-minute break.

21 MS. GLATFELTER: Oh, we are? Okay. That's fine. I
22 can continue when we return.

23 THE COURT: We're going to take a break. This used
24 to be the lunch break. But we need to get you out of here by
25 2 at the request that came from you all, and so we're going to

BETH ELLIS - DIRECT

14-2327

1 take the lunch break for 30 minutes. I want you to have a
2 good break, a good lunch. Come back in 30 minutes, and we'll
3 proceed until 2, and then you get to go home.

4 Out of respect for you, we'll rise as you leave for
5 lunch.

6 THE COURTROOM DEPUTY: All rise for the jury.

7 (Jury exited the courtroom at 12:18 p.m.)

8 THE COURT: The jury's left the room. The door is
9 closing. As always, we'll wait until we're advised that the
10 jurors have cleared the floor, and then we'll break for 30
11 minutes for lunch.

12 During the break as with all witnesses, you are not to
13 discuss your testimony. We'll get you back at 10 of
14 something. That's 30 minutes from now.

15 THE COURTROOM DEPUTY: All clear, Judge.

16 THE COURT: All right. We're on break. Thank you.

17 THE COURTROOM DEPUTY: This court is in recess.

18 (Recess from 12:20 p.m. until 12:12:51 p.m.)

19 THE COURT: I understand there is something somebody
20 wants to address to me outside the presence of the jury?

21 MR. OLESKI: Yes, Judge.

22 THE COURT: Do we need to ask the witness to leave?

23 MR. OLESKI: No.

24 THE COURT: Okay.

25 MR. OLESKI: Judge, we just wanted to inform the

BETH ELLIS - DIRECT

14-2328

1 Court that on behalf of Mr. Householder, Mr. Marein will
2 handle the cross-examination of this witness even though I
3 have made a few objections earlier this morning.

4 THE COURT: Very well.

5 MR. OLESKI: Thank you.

6 THE COURT: Let's call for the jury, please.

7 (Pause.)

8 THE COURTROOM DEPUTY: All rise for the jury.

9 (Jury entered the courtroom at 12:55 p.m.)

10 THE COURT: Jurors can be seated as they join us.

11 You may all be seated. Thank you.

12 The 14 Members of the Jury who have rejoined us, welcome
13 back. Thank you for your timeliness.

14 We will continue with the taking of the testimony.

15 MS. GLATFELTER: Thank you, Your Honor. May I
16 approach?

17 THE COURT: Yes.

18 Q. Good afternoon, Ms. Ellis. I think before the break you
19 were describing the receipt of some ads at your house. Can
20 you continue that, please?

21 A. Yes. I received these mailers, big ones, almost half
22 as big as this screen, big ones, and my son brought them in.
23 He had gotten off the school bus, and he was upset because
24 it depicted me, a caricature of me, with a lot of nasty
25 comments about being a Columbus insider and being a bad

1 person basically.

2 It's not me at all. It didn't reflect me at all.

3 He was upset because he's like, Mom, what is this?

4 I'm like, Honey, I don't know. We've never seen
5 anything like that in a district primary like that. It's
6 just -- we just don't do that. It's not that kind of place.
7 It's an agriculture community. You don't have to -- and
8 within your own party -- attack each other like that. It's
9 just not necessary.

10 And it was from -- I don't know who it was from. It's
11 from an organization I didn't even recognize. It wasn't
12 even a person.

13 Q. Did the ads address your stance on particular issues?

14 A. No.

15 MS. GLATFELTER: Your Honor, permission to show or
16 permission to publish what's been admitted as 305D?

17 THE COURT: Yes.

18 MS. GLATFELTER: And if we can go to page 4,
19 Ms. Terry.

20 Q. Ms. Ellis, do you recognize Government Exhibit 305D?

21 A. I do.

22 Q. Is this one of the ads that you had received?

23 A. It is.

24 Q. Okay. Do you see the name at the top of the screen?

25 A. Growth and Opportunity PAC, Inc.

BETH ELLIS - DIRECT

14-2330

1 Q. When you were describing the organization that sent the
2 mailers, does this name look familiar?

3 A. Yes.

4 Q. Did you know what Growth and Opportunity PAC was?

5 A. No. I tried to Google it. People were calling me and
6 asking me who it was. I couldn't find anything about it.

7 Q. You couldn't find anything?

8 A. Huh-uh.

9 Q. When you tried to research it?

10 A. Huh-uh.

11 Q. In addition to mailers, like Government Exhibit 305D,
12 were there any other tactics used against you?

13 A. Mainly just the mailers.

14 Q. What about phones calls?

15 A. Oh, there was. There was phone calls. It's just --
16 honestly, I just want to forget about the whole thing. It
17 was just a lousy time. And there were robot calls, I guess
18 you call them, just Beth Ellis -- there is a radio ad, too,
19 my husband heard a radio ad, she is a Columbus insider,
20 she's -- I don't know. Just, just -- it's not me. It's
21 terrible. It's not even necessary. We didn't need that.
22 It wasn't necessary.

23 Q. What, if any, actions did you take after receiving these
24 kinds of mailers?

25 A. I engaged in a debate with my opponent. I didn't put

BETH ELLIS - DIRECT

14-2331

1 any negative ads out. That's not my style. I'm not going
2 to do that. I don't approve of it. And I was even told,
3 somebody told me, they said, you know, negative campaigns or
4 negative ads --

5 MR. MAREIN: Objection.

6 THE WITNESS: -- win campaigns.

7 THE COURT: Who objected? Who objected?

8 MR. MARIEN: I did, Judge.

9 THE COURT: And the basis?

10 MR. MARIEN: Relevance, as well as hearsay.

11 THE COURT: It sounds like hearsay. What do you
12 make of that? The Court's ruled it's relevant.

13 MS. GLATFELTER: I was asking her what she took and
14 I believe she is going to talk about advice she didn't take
15 and why but we can go on to that part.

16 THE COURT: Very well. Let's go.

17 MS. GLATFELTER: Thank you.

18 **Q.** Ms. Ellis, what actions -- if you could describe the
19 actions that you took aside from the directions that or
20 suggestions that people made?

21 **A.** I just continued to campaign. I went door to door. I
22 went to events. I went to every chicken dinner and fish fry
23 you could possibly imagine. I went to coffee shops. I was
24 boots on ground. I knocked on doors. I got crews together
25 to knock on doors. Good old-fashioned campaigning. I mean,

1 that's what I thought it was about. It was about talking to
2 people, and I thought that's what it was about.

3 Q. Did your enthusiasm for the election change as you got
4 closer to the primary?

5 A. It absolutely changed as I got closer to the primary.
6 These negative ads were coming pretty consistently up until
7 the week of the election. And it just -- I didn't want to
8 check the mail and I didn't -- you are trying to be
9 positive. You're trying to project this issue of leadership
10 and don't worry about it and people were upset and not
11 understanding it. Like I said, this is a primary campaign.
12 This isn't -- it's bad enough when cross parties do it to
13 each other but within your own party, I thought it was more
14 painful. I was trying to explain to people, oh, don't worry
15 about it, but, you know, then they start reading newspaper
16 articles and reading about, you know, the fight for the
17 Speakership. And I just wanted it over with.

18 Q. And did your efforts to win the primary decrease as you
19 got closer to the election date based on the campaign against
20 you?

21 A. Did my efforts?

22 Q. Um-hmm.

23 A. No. I stuck at it every single day. It was like my
24 job, and I felt I owed it to the people who had supported me
25 and put their faith behind me, their donations behind me,

BETH ELLIS - DIRECT

14-2333

1 and I was going to stick it out, stick it out to the bitter
2 end.

3 Q. Now, you mentioned a Speaker's race. Did you know
4 anything about that when you got into the election?

5 A. No, not -- no -- 'cause I got into it in '17. And
6 then -- I knew Speaker Rosenberger was terming out, that the
7 position would be open. So that's what I focused on was
8 filling that position of the state rep for the district,
9 91st District.

10 Q. Did you ever promise anyone that you would vote for them
11 for Speaker of the House if you were elected?

12 A. No, no. I had met Ryan Smith 'cause he is in a
13 neighboring district, and that interaction was, honestly,
14 more of -- I was asking when I was considering the run, you
15 know, I wanted to talk to people who were doing it to see if
16 this is really something my family wanted to deal with, the
17 effect it would have on my kids, my time, my business. And
18 he had, I don't know, like four or five kids or something
19 and he was quite frank and said his wife carries the load.
20 And it was more of that. But he never asked me if I was
21 going to vote for him for the Speakership. I mean that's
22 putting the cart before the house. I wasn't elected. And
23 it wouldn't be until I was elected that whoever was the
24 candidates I would talk to about that. It wouldn't be
25 preloaded.

BETH ELLIS - CROSS (HOUSEHOLDER)

14-2334

1 **Q.** You hadn't made a decision yourself?

2 **A.** I hadn't?

3 **Q.** Correct.

4 **A.** Huh-uh, no.

5 **Q.** Did anyone from Mr. Householder's campaign ever contact
6 you to find out your stance on important issues or your
7 values?

8 **A.** No.

9 MS. GLATFELTER: One moment, Your Honor.

10 THE COURT: Very well.

11 MS. GLATFELTER: No further questions.

12 THE COURT: Very well. Cross-examination, first on
13 behalf of Mr. Householder.

14 MR. MAREIN: May I proceed?

15 THE COURT: Yes.

16 **CROSS-EXAMINATION**

17 BY MR. MAREIN:

18 **Q.** Good afternoon.

19 **A.** Hello.

20 **Q.** I just have a couple of questions for you.

21 Do you know Larry Householder?

22 **A.** I do not.

23 **Q.** Never met him?

24 **A.** I don't remember ever meeting Larry Householder.

25 **Q.** Ever talk to him on the telephone?

BETH ELLIS - CROSS (HOUSEHOLDER)

14-2335

1 A. No.

2 Q. How about Mr. Longstreth, is that a name that you're
3 familiar with?

4 A. No.

5 Q. What about Matt Borges, do you know him?

6 A. No.

7 Q. Have you ever met a Mr. Clark?

8 A. No.

9 Q. Were you at all involved or do you have any personal
10 knowledge in the legislation that is known as House Bill 6?

11 A. No.

12 Q. You really don't know anything about it, do you, other
13 than what you've read in the paper?

14 A. I understand its genesis.

15 Q. Okay. But you have no personal knowledge of how it
16 worked itself through the legislature, what sort of actions
17 were taken, none of that, right?

18 A. Just through what I've read.

19 Q. Right. So, in other words, no personal knowledge?

20 A. I'm not a representative. I have nothing to do behind
21 the scenes with anything.

22 Q. Right. Now, you lost the election, correct?

23 A. I did.

24 Q. And you lost the election to a Mr. Wilkin, is that right?

25 A. Correct, I lost the election to Shane Wilkin.

BETH ELLIS - CROSS (HOUSEHOLDER)

14-2336

1 **Q.** And Mr. Wilkin, he is a former long-term county
2 commissioner in a different county than yours. Are you aware
3 of that?

4 **A.** He was commissioner for ten years in Highland County.

5 **Q.** Right.

6 **A.** I am aware of who he is.

7 **Q.** A lot of political experience, a lot of legislature
8 experience, right?

9 **A.** He has some experience.

10 **Q.** Right. Well, certainly more than you did, right?

11 **A.** Certainly more than me, yes. Locally.

12 **Q.** Well, did you have local legislative experience as you
13 just qualified your answer?

14 **A.** Just on the port authority. It's a quasi government
15 entity.

16 **Q.** Right.

17 **A.** And I am on that.

18 **Q.** All right. So you came in here today to tell us that you
19 have a degree from Ohio State University in radiology; is that
20 right?

21 **A.** That's correct.

22 **Q.** And that you worked 18 years at Clinton Memorial
23 Hospital; is that right?

24 **A.** That's right.

25 **Q.** And that you have a family farm that you and your husband

1 work; is that right?

2 A. That's correct.

3 Q. And that farm is, am I accurate, it's 7300 acres?

4 A. It's a family farm. There's five families that work
5 it.

6 Q. Okay. But it's not a small farm, right?

7 A. No, just a family farm.

8 Q. And you came in here to tell us that your son was upset
9 because there were negative ads placed against his mom; is
10 that right?

11 A. Of course.

12 THE COURT: Excuse me. Excuse me. Excuse me.
13 There's an objection?

14 MS. GLATFELTER: Yes, Your Honor. I object to the
15 form of these questions. I think they're unduly argumentative
16 and disrespectful of the witness.

17 THE COURT: Going forward, continue to treat the
18 witness with dignity and respect.

19 The objection's overruled.

20 MR. MAREIN: Thank you, Judge.

21 Q. You have come in here to tell us that negative
22 campaigning, it's not consistent with who you are and what you
23 would expect in a election; is that right?

24 A. I came here because I was subpoenaed by the FBI.

25 Q. Okay.

BETH ELLIS - CROSS (HOUSEHOLDER)

14-2338

1 **A.** I would prefer to be somewhere else.

2 **Q.** Okay. Talking about you would like to be someplace else,
3 do you recall sending an email to the FBI, I think the date is
4 February 6th of 2023, some almost two weeks ago?

5 **A.** Possibly.

6 **Q.** Well, I have it right here if you'd like to see it.

7 **A.** Yeah. There was an email conversation. I don't
8 remember what it was, but, yes.

9 **Q.** And did you tell the FBI, of course, testifying in a
10 place you don't want to be as you had just indicated that you
11 will try to convey to the jury that Wilkin, your opponent,
12 subsequently voted for Householder after he was elected. Did
13 you tell them that? Just yes or no.

14 **A.** Yes, I did.

15 **Q.** Okay. You've answered my question. Thank you.

16 THE COURT: If she needs to explain it, she has the
17 opportunity. But the question has been asked.

18 MR. MAREIN: Right, thank you.

19 THE COURT: And it's been answered so you may
20 proceed with another question, counsel.

21 **Q.** So you came here today. You know nothing about House
22 Bill 6. You don't know Larry Householder. You don't know
23 really anything about this case other than you were involved
24 in an election where there was negative campaigning against
25 you. Do I have that right?

BETH ELLIS - CROSS (HOUSEHOLDER)

14-2339

1 **A.** Yes.

2 **Q.** And they subpoenaed you in to tell us that?

3 **A.** I was subpoenaed by the FBI, that's correct.

4 **Q.** Thank you. Thank you, ma'am.

5 THE COURT: On behalf of Mr. Borges.

6 MR. SCHNEIDER: No questions of this witness.

7 THE COURT: Redirect?

8 MS. GLATFELTER: No, Your Honor. I appreciate it.

9 Thank you.

10 THE COURT: Very well. You are free to go.

11 THE WITNESS: Thank you.

12 THE COURT: You have survived.

13 THE WITNESS: Thank you.

14 (Witness was excused.)

15 THE COURT: We're ready for another witness until 2
16 o'clock.

17 MS. GLATFELTER: Yes, Your Honor. The government
18 calls Chris Hartsel.

19 THE COURT: Very well.

20 MS. GLATFELTER: May I approach to get organized?

21 THE COURT: Yes, yes.

22 If the witness would be willing to approach, sir, and
23 follow her. We're going to bring you to the witness stand.
24 And if you would pause where you are and raise your right hand
25 for the oath to tell the truth.

CHRISTOPHER HARTSEL - DIRECT

14-2340

1 THE COURTROOM DEPUTY: You do solemnly swear or
2 affirm that the testimony you are about to give in this case
3 will be the truth, the whole truth, and nothing but the truth.
4 This you do affirm under the pains and penalties of perjury?

5 THE WITNESS: Yes, I do.

6 THE COURT: You can come on up to the witness stand.
7 I tell everybody the seat tips back.

8 (Witness took the stand.)

9 THE WITNESS: Thank you.

10 THE COURT: Full disclosure. We are going to need
11 you close to that microphone.

12 THE WITNESS: Thank you.

13 THE COURT: You are welcome.

14 The government may proceed to examine.

15 MR. GLATFELTER: Thank you, Your Honor.

16 THE COURT: Yes.

17 **CHRISTOPHER HARTSEL,**
18 of lawful age, Witness herein, was examined and testified as
19 follows:

20 **DIRECT EXAMINATION**

21 BY MS. GLATFELTER:

22 **Q.** Good afternoon.

23 **A.** Hi.

24 **Q.** Could you go ahead and state your name and spell it for
25 the record.

CHRISTOPHER HARTSEL - DIRECT

14-2341

1 **A.** My name is Christopher Hartsel. That's spelled
2 C-H-R-I-S-T-O-P-H-E-R. Last name is H-A-R-T-S-E-L.

3 **Q.** Thank you, Mr. Hartsel. Can you tell the jury where you
4 work?

5 **A.** I work for the FBI.

6 **Q.** And what type of work do you do for the FBI?

7 **A.** I'm a forensic accountant.

8 **Q.** And how long have you worked there?

9 **A.** Since August of 2016.

10 **Q.** Now, to be a forensic accountant at the FBI, what kind of
11 educational background do you have?

12 **A.** So I have a bachelor's degree in accounting.

13 **Q.** Okay. Where is that from?

14 **A.** Ohio University.

15 **Q.** Okay. And did you graduate with any other type of
16 degrees or minors from there?

17 **A.** A minor in Japanese.

18 **Q.** Are you fluent in Japanese?

19 **A.** Yes, I am.

20 **Q.** Can you tell the jury what jobs that you had after
21 college before you joined the FBI?

22 **A.** So when I graduated in 2008, for a year and a half I
23 worked for a public accounting firm. And following that,
24 for about a year and a half, I worked in corporate
25 accounting for a supplier of Honda. And for about five

1 years after that, I worked for Honda research and
2 development.

3 Q. Okay. Now, in your first job, you said you worked for,
4 was it a public accounting firm or you served as a public
5 accountant or do I have those confused?

6 A. Both.

7 Q. Okay. So what kind of work did you do in that job?

8 A. So I was a financial auditor.

9 Q. Okay. And what did you do as a financial auditor?

10 A. My job was to evaluate the financial statements of
11 companies, our clients, and to assess whether or not they
12 were in compliance with accounting standards.

13 Q. Okay. And, Mr. Hartsel, I think this is the first time
14 the jury has heard from an accountant so I might ask you some
15 follow-up questions there, okay?

16 You said you also worked for a Honda supplier as an
17 accountant; is that right?

18 A. That's correct.

19 Q. And can you tell us the type of work that you did for
20 Honda?

21 A. So I worked on the other end of the audit. I worked on
22 closing the books, which means that I wanted to ensure that
23 all of our transactions were included so we could prepare
24 for the following financial period. And I also worked as a
25 budget analyst at the same time.

1 Q. Okay. And so when you say closing the books, what do you
2 mean?

3 A. So our job is to make sure that our financial
4 statements are presented in accordance with accounting
5 standards, so I wanted to make sure that every transaction
6 that was included that should have been included and that
7 there weren't any inaccuracies or transactions that were
8 included that shouldn't have been included, which ultimately
9 impacts the financial statement.

10 Q. And you said you were also a budget analyst. What does
11 that mean?

12 A. So in addition to closing the books, my job was to
13 compare the results for the company versus what we had
14 planned and to identify discrepancies and reasons for the
15 discrepancies.

16 Q. Now, when you were working for Honda, were you actually
17 working in a bilingual capacity?

18 A. Yes.

19 Q. And describe your work there.

20 A. So a number of our managers here in the U.S. were
21 Japanese management, and they were not very proficient in
22 English. Additionally, since Honda's a global company and
23 our parent is in Japan, we would have to communicate
24 regularly with our reporting partners in the accounting
25 department in Japan.

1 Q. Now, turning back and sort of pivoting back to the FBI
2 forensic role that you play, what are some of your job duties
3 that you've had since 2016?

4 A. So primarily, I work in a support role for our
5 investigations. My job is to ensure that there is someone
6 attached to an investigation who -- who can provide an
7 understanding of the financial aspect of the investigation.

8 Q. Do you -- are there particular groups or squads that you
9 support?

10 A. Yes. I support a number of different violations. The
11 majority of my work is focused on complex financial crimes
12 or public corruption, but I also support counterterrorism,
13 counterintelligence and violent crime investigations.

14 Q. Okay. Now, what kinds of certifications or licenses do
15 you have related to your work at the FBI?

16 A. So I'm a Certified Public Accountant and a Certified
17 Fraud Examiner.

18 Q. And do you have certain requirements to be -- well, let
19 me ask you this. Is there an acronym for a certified public
20 accountant?

21 A. A CPA.

22 Q. And are there any requirements to be a CPA?

23 A. So there is educational requirements. There is a
24 number of hours you have to have in university level, and
25 you have to pass a CPA exam.

1 Q. What about for a Certified Fraud Examiner license?

2 A. For a Certified Fraud Examiner, there is a number of
3 ways you can qualify, but ultimately you have to pass the
4 Certified Fraud Examiner exam.

5 Q. And you've done both of those?

6 A. Yes.

7 Q. Now, do you have any certifications related to cyber
8 security?

9 A. I have two cyber security certifications with two
10 different organizations.

11 Q. Can you describe those?

12 A. One is with an organization called CompTIA, and the
13 other one's with GIAC. They basically assess my fundamental
14 understanding of how cyber security attacks can occur and
15 how you can mitigate the risk of a cyber security attack.

16 Q. Do those require tests to become certification, like the
17 CPA and Certified Fraud Examiner license?

18 A. Yes. Both of them require that you study and pass an
19 exam, yes.

20 Q. Now, I want to talk about your role in this particular
21 investigation. Were you involved in a supporting role?

22 A. Yes.

23 Q. Okay. And can you describe what that role was?

24 A. So for this particular investigation, my job was to
25 evaluate any financial documents that we thought we needed

1 or that we found throughout the course of the investigation
2 and help interpret those documents and help provide leads to
3 the investigative team.

4 Q. Okay. And so if you can tell the jury, what kinds of
5 documents were you evaluating or reviewing in this case?

6 A. Most commonly it was bank statements for different
7 entities and individuals, but we would also encounter
8 sometimes, there would be loan documents, credit card
9 statements, and there may be some mortgages.

10 Q. And when we talk about bank account documents, can you
11 specify the type that you're talking about?

12 A. So for bank documents, we would acquire -- usually we'd
13 acquire signature cards, which shows who opened the account
14 or who has access to the account and control of the account.
15 There would be bank statements that show all the
16 transactions that flow through the account.

17 And in addition to the bank statements, there would be
18 check -- check images for checks that were written for the
19 account, deposit images for items that were deposited into
20 the account, and maybe any electronic funds transfer --
21 transactions such as like a wire transaction, we would get
22 advises for that.

23 Q. Now, did you ever have to go back to banks or financial
24 institutions to obtain additional details about records?

25 A. Yes. So more often than not, once we received

1 subpoenaed documents from banks, they failed to include
2 everything that was requested in the original production.
3 So the initial production would have like bank statements,
4 but then it wouldn't have the details that support the bank
5 statement. So we would have to go back to the bank and
6 request that they complete the production.

7 Q. And can you think of a particular transaction from this
8 case where you had to go back and request additional
9 documentation to understand it?

10 A. Yes. There -- well, there are many, but one that comes
11 to mind is there was a wire transaction that -- that
12 included information about a payment for a particular
13 lawsuit settlement.

14 Q. Okay. And it was a -- was that a complex transaction?

15 A. The transaction itself wasn't really complex, but it
16 did require that we made several follow-ups so that we could
17 get the supporting documentation, I believe it was from
18 Huntington, that particular transaction.

19 Q. Okay. And to do your work and when you're working in the
20 supporting role with a case agent, do you use any computer
21 programs?

22 A. Yes.

23 Q. What do you use?

24 A. So an organization, we use commonly found software. We
25 use a piece of software called BankScan which will scan an

1 electronic copy of the bank statement, and it will recognize
2 text. And then we can take that, put it into a processing
3 program called BankScan, and with a little bit more
4 additional input, we can produce an Excel document that
5 represents what's in that bank statement.

6 Q. Okay. And what's -- are there any advantages to working
7 in Excel in your line of work?

8 A. Yes, absolutely.

9 Q. Can you explain what those are?

10 A. Sure. So Excel, for those who aren't familiar, Excel
11 is a spreadsheet software where it produces a grid that you
12 can manipulate. And when you import or you arrange data in
13 Excel, it allows you to take a large number of lines or
14 transactions and allows you to summarize it pretty easily.

15 Q. Did you face any particular challenges in this case in
16 terms of what's called scheduling the accounts?

17 Let me back up and say, what is -- when someone says
18 scheduling the accounts, have you heard that term before?

19 A. Yes, that's the term that we often use to describe what
20 we do.

21 Q. And so what does that mean?

22 A. So to schedule an account basically means as I
23 described, that you take a bank statement, and it's paper or
24 electronic format, which is often like a pdf, similar to any
25 document that you get through an email attachment, and then

1 we would scan that into -- scan that into Excel, and then we
2 would provide basically a summary of the source and the
3 destination of all the funds that flow through a particular
4 account.

5 Q. And are you able to manipulate the Excel spreadsheet so
6 you can look at -- you can categorize things in different ways
7 or you can organize in different ways?

8 A. Yes.

9 Q. So you could organize it by date if you wanted to?

10 A. Correct.

11 Q. Or by -- or by the amount of transaction?

12 A. True. And we can -- we can assign -- ultimately, when
13 we look at the checks or the deposits that we see in the
14 counter, maybe the wire information, we can assign that
15 information to every transaction so we can manipulate it
16 further. Not just by the information that's initially
17 available on the bank statement, but also the additional
18 information that we acquire from the bank.

19 Q. So during the course of working with Agent Wetzel in this
20 investigation, how many bank accounts -- do you have an
21 estimate of how many bank accounts that you -- whose records
22 you reviewed?

23 A. So for this case, I touched at least 90 bank accounts.

24 Q. And did working with that number of bank accounts,
25 approximately 90, did that pose any particular challenges?

1 **A.** It did, yes. So as I mentioned, often when we go to
2 the banks they supply us with an incomplete production, and
3 every time we make a request, it takes about 30 days. So if
4 you identify one bank, for example, we'll just call it Bank
5 A, and you ask the bank to send you the records for Bank A,
6 and you realize they are incomplete. Well, 30 days has
7 passed, so you request the additional information, another
8 30 days. So you have two months that have passed before you
9 have the information.

10 And let's say you process it. By the time you actually
11 made the first request, it took about 90 days until you
12 understand what was in the first round of Bank A's
13 statements, and then you identify additional banks or
14 additional accounts. And so, therefore, you once again go
15 after those accounts. And so it kind of unravels after that
16 point.

17 **Q.** And did you -- what, if anything, did you create to help
18 you in your investigation in this case?

19 **A.** So, for this case, because there were so many bank
20 accounts and because we were trying to get the information
21 as quickly as possible, I frequently had to append and add
22 on new information as it came in. And because I'm trying to
23 process this quickly, I had to develop an attachment or a
24 program of sorts within Excel that allowed me to process
25 these new records quickly.

1 Q. Now, in the course of your work in this case, were you
2 involved in reviewing bank records for an entity called
3 Generation Now, LLC?

4 A. Yes.

5 Q. And were the bank records obtained for Generation Now?

6 A. Yes.

7 Q. What bank did Generation Now use?

8 A. It was Fifth Third.

9 Q. And how many accounts did Generation Now have at Fifth
10 Third?

11 A. Two.

12 Q. Was there a differential between the two accounts?

13 A. Yes.

14 Q. In terms of use?

15 A. Yes.

16 Q. Could you describe what you mean there?

17 A. So, in one of the bank accounts, it was frequently used
18 for the activity of the account, whereas, in the other bank
19 account there was very little activity used.

20 Q. But you looked at both when you reviewed records?

21 A. Yes.

22 Q. And did you have an opportunity to schedule those
23 accounts in the manner that you just described?

24 A. Yes.

25 Q. Okay. And in doing so, did you summarize the deposits or

1 amounts of money that flowed into the Generation Now accounts?

2 A. Yes.

3 Q. Did you also summarize the outflows or the expenses out
4 of the Generation Now accounts?

5 A. Yes.

6 MS. GLATFELTER: Your Honor, permission to publish
7 what has been admitted as Exhibit 16?

8 THE COURT: Yes.

9 Q. Agent Hartsel, that should show up on your screen in a
10 moment.

11 A. Yes.

12 Q. Okay. Can you tell us what the title of this document
13 is?

14 A. So this is the deposits or inflows into Generation Now,
15 or the account in the name of Generation Now for Fifth Third
16 Bank. Both account numbers are included ending in 3310 and
17 6847.

18 Q. And are those account numbers described at the top of
19 this chart or table?

20 A. Yes.

21 Q. Did you create this?

22 A. I did.

23 Q. Okay. Now, what is the date and the amount of the first
24 deposit into the account?

25 A. So the first deposit in the account is on February 23,

CHRISTOPHER HARTSEL - DIRECT

14-2353

1 2017, in the amount of \$25,000.

2 Q. Okay. And what is the date of the last deposit?

3 A. The last deposit on this summary is June 15th of 2020,
4 and the amount is \$25,000.

5 Q. Okay. And in the time frame between 2017 when the
6 account opened and 6-15-2020, what is the total amount of
7 money that flowed into the Generation Now accounts?

8 A. It's \$6 -- approximately 64.4 million.

9 Q. And is that depicted on the chart in front of us?

10 A. Yes, it is. There is a total at the bottom right hand.

11 MS. GLATFELTER: Ms. Santoro, would he have the
12 ability to mark his screen? Thank you.

13 Q. Agent Hartsel -- or Chris Hartsel, could you circle where
14 you are talking about in terms of the total?

15 A. It's right down here (complies).

16 Q. Right above that, do you see transactions under \$5,000?

17 A. Yes, that's correct.

18 Q. Can you tell us what you -- what that is?

19 A. Those are a number of smaller transactions.

20 Q. And what's the total of the amount of transactions that
21 are less than \$5,000?

22 A. \$34,000.

23 Q. Now, along with this exhibit showing the deposits into
24 the Generation Now accounts, did you create any charts or
25 graphics to depict the inflows data that's shown here in

1 Exhibit 16?

2 A. Yes.

3 MS. GLATFELTER: Your Honor, permission to show the
4 witness document or, I'm sorry, the document marked as Exhibit
5 17.

6 THE COURT: Yes. You can show the witness and the
7 lawyers.

8 MS. GLATFELTER: Ms. Terry, if we can scroll through
9 the three pages so the witness can see all three.

10 THE WITNESS: Thank you.

11 MS. GLATFELTER: And return to the first, please.

12 Q. Okay. Do you recognize Exhibit 17?

13 A. Yes, I do.

14 Q. What is it?

15 A. Exhibit 17 is a summary of the Generation Now deposits
16 broken into two categories. The first category is labeled
17 "FirstEnergy and Partners For Progress," and the second
18 category is labeled "Other."

19 Q. Okay. And did you create this?

20 A. I did.

21 Q. And is it based on the specific information we just saw
22 in Exhibit 16, the table of all of the departments?

23 A. Yes.

24 MS. GLATFELTER: Move to admit and publish Exhibit
25 17.

CHRISTOPHER HARTSEL - DIRECT

14-2355

1 THE COURT: Any objection?

2 MR. OLESKI: No.

3 MR. SCHNEIDER: No objection.

4 THE COURT: It's admitted.

5 Do you wish to publish it?

6 MS. GLATFELTER: Yes.

7 THE COURT: You may publish it.

8 Q. Agent Hartsel, can you see that on your screen?

9 A. Yes.

10 Q. Okay. Can you describe what page 1 is?

11 A. So page 1 shows the total deposits into the Generation
12 Now accounts, broken down from year from 2017 through 2020
13 and then totaled by year and by total. And, again, it's
14 broken down by two categories, FirstEnergy and Partners For
15 Progress in the first category, and Others in the second
16 category.

17 Q. So if we go through, for example, 2017, what was the
18 total deposited into the account from FirstEnergy and Partners
19 For Progress?

20 A. \$1 million.

21 Q. Okay. And were there other sources of income in the
22 account?

23 A. Yes.

24 Q. In 2017?

25 A. Yes.

1 Q. And what was that total?

2 A. \$332,000.

3 Q. And when you add those together, that's how you get the
4 total at the bottom?

5 A. That's correct.

6 Q. All right. Now, let's go through each of these years.
7 For 2018, did you analyze how much money from FirstEnergy
8 and/or Partners For Progress accounts was deposited into the
9 Generation Now accounts?

10 A. Yes.

11 Q. And what was that amount?

12 A. \$1.4 million.

13 Q. Okay. And did it also have money from other sources in
14 the account?

15 A. Yes.

16 Q. And what was that amount?

17 A. Approximately \$1.9 million.

18 Q. I want to ask you, this particular table, it relates to
19 what accounts?

20 A. The account ending in 3310 and I believe 6847.

21 Q. Okay. And for the year 2018, did you look at other bank
22 accounts that received money from FirstEnergy?

23 A. Yes.

24 Q. For example, like Hardworking Ohioans?

25 A. Yes.

CHRISTOPHER HARTSEL - DIRECT

14-2357

1 Q. Is that money included in this total here on this screen?

2 A. No.

3 Q. Why not?

4 A. Because this is the money that was directly received to
5 Generation Now.

6 Q. Okay. And so if we move to 2019, can you tell us the
7 amount of money that was in the first -- from FirstEnergy
8 accounts or Partners For Progress accounts?

9 A. Yes. In 2019, Generation Now received a total of \$57.3
10 million. And that's broken out between FirstEnergy Partners
11 For Progress and Other, at \$55.6 million approximately, and
12 1.7 million for other.

13 Q. Okay. And did you do the same thing for 2020?

14 A. Yes.

15 Q. Okay. And what did you find?

16 A. For 2020, FirstEnergy and Partners For Progress
17 deposited \$2 million, while other sources deposited
18 \$468,000.

19 Q. Okay. And did you come up with a percentage of the total
20 amounts that were deposited into the accounts by the entities?

21 A. Yes.

22 Q. Okay. And what are those?

23 A. So in total, for the years covered, the percentage of
24 money that was deposited from FirstEnergy and Partners For
25 Progress was 93 percent, and from other sources it was 7

1 percent.

2 **Q.** Okay. And did you create graphs to depict this as well?

3 **A.** Yes.

4 MS. GLATFELTER: If we may go to page 2, Ms. Terry.

5 **Q.** Mr. Hartsel, can you tell us what's on page 2, please?

6 **A.** So this is a pie graph that represents the percentage
7 or proportion of money sourced from Other and FirstEnergy
8 and Partners For Progress into the Generation Now account.

9 **Q.** And what is the percentage?

10 **A.** The percentage is 97 percent in 2019 was funded by
11 FirstEnergy and Partners For Progress, and 3 percent was
12 provided by Other.

13 MS. GLATFELTER: Okay. And if we'd go back up to
14 the first page, Ms. Terry.

15 **Q.** What year had the most amount of money deposited into the
16 account?

17 **A.** 2019.

18 **Q.** Is that why you chose 2019 to depict on page 2?

19 **A.** Yes.

20 MS. GLATFELTER: Okay. And if we'd go to page 3,
21 please.

22 **Q.** And can you tell us what is on page 3?

23 **A.** On page 3, it is a breakdown once again showing a pie
24 graph that breaks down the percentage of funding into the
25 Generation Now account. 93 percent provided by FirstEnergy

1 and Partners For Progress and 7 percent provided by Other.

2 Q. And does this graph depict the amount in the account over
3 that total time period, 2017 to June 2020?

4 A. Yes.

5 Q. Now, we talked about the generation accounts in general a
6 few moments ago. Did you identify and schedule the money that
7 flowed out of the Generation Now accounts that we have been
8 talking about?

9 A. Yes.

10 MS. GLATFELTER: Your Honor, permission to show the
11 witness what has been marked as Exhibit 18.

12 THE COURT: Yes.

13 MS. GLATFELTER: Ms. Terry, if we can scroll through
14 the five pages so the witness can see all five.

15 And return to page 1. Thank you.

16 Q. Mr. Hartsel, do you recognize what is Government's
17 Exhibit 18?

18 A. Yes.

19 Q. What is it?

20 A. This is a breakdown of the outflows or the expenses
21 from the Generation Now accounts arranged in a chart and a
22 pie graph and broken down by year from 2017 to 2020.

23 Q. Okay. And did you create this?

24 A. Yes.

25 Q. And have you reviewed it for accuracy?

1 **A.** Yes.

2 MS. GLATFELTER: Your Honor, I move to admit Exhibit
3 18 and to publish to the jury.

4 THE COURT: Any objection?

5 MR. OLESKI: No objection, Judge.

6 MR. SCHNEIDER: Nor here.

7 THE COURT: It's admitted. You may publish.

8 **Q.** Mr. Hartsel, can you describe page 1 of Government's
9 Exhibit 18 to the jury?

10 **A.** So this is the outflows or the expenses from the
11 Generation Now accounts for the year of 2017.

12 **Q.** Okay. And how are they -- how are they ranked, or the
13 different parts of the chart?

14 **A.** So on the left side you all find a chart that displays
15 the outflows by date and by entity and the amount, and on
16 the right you'll see a summary of the larger entities, the
17 larger beneficiaries of the account with the pie graph that
18 corresponds.

19 **Q.** Okay. So if we look at this chart from 2017, how much
20 money in total flowed out of the Generation Now accounts?

21 **A.** \$693,000.

22 **Q.** Can you circle that where it is on the document so we can
23 see it?

24 **A.** Yes. (Complies.)

25 **Q.** Okay. And then I see you have an additional chart at the

1 top or additional table. Can you tell us what that is?

2 A. So this is a summary of the larger beneficiaries of the
3 recipients of the most money from the account from 2017.

4 Q. And who were the recipients of the most amount of money
5 on the Generation Now accounts?

6 A. From largest to smallest, we have JPL & Associates LLC;
7 the Strategy Group, LLC; Dinsmore and Shohl, LLP; Brooke
8 Bodney; LAZ Parking; and then Other.

9 Q. And what was the percentage that JPL & Associates
10 received of the 693 -- or \$693,000?

11 A. Approximately 84 percent.

12 Q. And what was the monetary value of that?

13 A. \$580,000.

14 Q. Is that the first line of that graph up in the top right?

15 A. Yes.

16 Q. Okay. Now, if we go to page 2, can you explain to the
17 jury what this depicts?

18 A. So this is a similar format. It's showing the outflows
19 from the Generation Now accounts for 2018.

20 Q. Okay. And so it's broken up into what parts? Can you
21 describe those for the jury?

22 A. Yes. So we have two tables, one is arranged by
23 transaction that shows the date, the beneficiary recipient,
24 and the amount, and then the Other shows a summary table
25 with a pie graph --

CHRISTOPHER HARTSEL - DIRECT

14-2362

1 Q. Okay.

2 A. -- that corresponds.

3 Q. And let's go ahead and look at the table in the top right
4 corner where it's titled, "Payee," "Percentage," and
5 "Outflows." Do you see that?

6 A. Yes.

7 Q. Who received the largest amounts of money out of the
8 Generation Now account in 2018?

9 A. JPL & Associates, LLC.

10 Q. And what was the percentage of money that JPL &
11 Associates received?

12 A. It's approximately 49 percent or approximately \$1.9
13 million.

14 Q. And can we see that depicted anywhere else on the chart,
15 or on this exhibit?

16 A. Yes. The pie graph below.

17 Q. And circle where the JPL & Associates is on the pie graph
18 for us.

19 A. (Complies.)

20 Q. All right. What was the second largest recipient of
21 money from the Generation Now account?

22 A. It's Growth and Opportunity PAC.

23 Q. And what percentage of money did the Growth and
24 Opportunity PAC receive in 2019?

25 A. 27 percent.

1 Q. And approximately what does that translate into dollars?

2 A. About \$1 million.

3 Q. What about Hardworking Ohioans?

4 A. Hardworking Ohioans is 17 percent, and about \$670,000.

5 Q. And are other recipients or other large recipients listed
6 on that chart as well?

7 A. Yes. Below that we have Brooke Bodney, 3 percent, for
8 \$120,000; the Strategy Group, LLC, 2 percent for \$75,000;
9 Dinsmore & Shohl, LLP, approximately 1 percent or \$30,000;
10 and then LAZ Parking, about \$20,000.

11 MS. GLATFELTER: Ms. Terry, if we may advance to
12 page 3.

13 Q. Mr. Hartsel, can you describe what we're looking on --
14 looking at on page 3?

15 A. So this is a little bit different from the prior two
16 charts due to the number of transactions. It's easier to
17 summarize the information by the largest recipients, and
18 this is representing 2019 outflows from the Generation Now
19 accounts. On the top left-hand corner you'll see that there
20 is a header called Count. That just shows the number of
21 transactions for each one of the entities. And it's
22 arranged again by the payee or the recipient and then the
23 amount.

24 Q. Okay. So let's walk through the first three so we
25 understand this chart.

1 So by count, if we go to the first row, we see Count 18.
2 What does that mean?

3 A. That means there were 18 transactions to Ohioans For
4 Energy Security.

5 Q. And the total of that 18 trans -- or those total of those
6 18 transactions?

7 A. Is approximately \$21.3 million.

8 Q. And if we go down to the row of 17 Consulting Group,
9 what's the number of transactions or number of transfers from
10 the Generation Now accounts?

11 A. 9.

12 Q. And they totaled what amount?

13 A. \$1.6 million.

14 Q. Okay.

15 MS. GLATFELTER: And if we go to the next page,
16 Ms. Terry.

17 Q. And what do we see on page 4?

18 A. So this is still for the same year, 2019, and this
19 summarizes the outflows in 2019 from the Generation Now
20 account.

21 Q. And does this correspond to the page that we were just
22 reviewing?

23 A. Yes.

24 Q. Okay. And can you explain this to us?

25 A. So there's a chart above, and this summarizes by the

1 largest beneficiary, the largest payee. And below that is a
2 pie graph that corresponds with the chart above.

3 Q. Okay. So, for example, at the top, the first row is
4 what?

5 A. The first row is Ohioans For Energy Security. This is
6 showing that they received approximately 40 percent of the
7 outflows for 2019, which is approximately \$21.3 million.

8 Q. And how much did JPL & Associates receive?

9 A. JPL & Associates received approximately \$8 million,
10 which is 15 percent of the outflows.

11 Q. And what about 17 Consulting Group?

12 A. 17 Consulting Group received approximately \$1.6 million
13 or 3 percent of the outflows.

14 MS. GLATFELTER: Ms. Terry, if we could go to the
15 last page, please.

16 Q. Mr. Hartsel, can you tell us what's on the last page?

17 A. So this is -- returning to the previous format where it
18 shows the transactions broken down by date in chronological
19 order on the left chart. It shows the date, the payee, or
20 the recipient and the amount, and on the right there is a
21 table that summarizes by payee, the largest recipient to the
22 smallest, with a corresponding pie graph below it.

23 Q. Okay. And if we look at that right -- the table on the
24 right where it says payee, percentage, and outflows, can you
25 tell us who the largest recipient from funds from the

CHRISTOPHER HARTSEL - DIRECT

14-2366

1 Generation Now accounts was in 2020?

2 A. Coalition For Growth and Opportunity, Inc.

3 Q. Okay. And how much did they receive?

4 A. 49 percent.

5 Q. Which translated into how much money?

6 A. \$1.2 million.

7 Q. And what about JPL & Associates?

8 A. JPL & Associates is 19 percent.

9 Q. And what was the total amount that was -- that flowed out
10 of the account in 2020, at least up until June?

11 A. \$500,000.

12 Q. For JPL?

13 A. For JPL, correct.

14 Q. And what was the total for 2020?

15 A. The total for 2020 was approximately \$2.5 million.

16 Q. Okay. And do you see Ohioans For Energy Security on this
17 table?

18 A. I do.

19 Q. Okay. And what was the percentage in 2020?

20 A. 1.6 percent.

21 Q. Now, did you investigate further or did you review
22 records related to the Ohioans For Energy Security account,
23 bank account?

24 A. Yes, I did.

25 Q. And what bank did Ohioans For Energy Security bank at?

CHRISTOPHER HARTSEL - DIRECT

14-2367

1 A. Ohioans was also Fifth Third.

2 Q. That's the same as Generation Now?

3 A. That's correct.

4 Q. Okay. And did you review and schedule those bank account
5 records in the same manner that you've described here?

6 A. Yes.

7 MS. GLATFELTER: Your Honor, permission to show the
8 witness what has been marked as Exhibit 153?

9 THE COURT: Yes.

10 Q. Mr. Hartsel, do you recognize Exhibit 153?

11 A. Yes.

12 Q. What is it?

13 A. This is the inflows into Ohioans for -- an account in
14 the name of Ohioans For Energy Security. It's a Fifth Third
15 Bank account and the account number is ending in 8255.

16 Q. And did you prepare this exhibit as you've described for
17 the previous exhibits?

18 A. Yes.

19 Q. And you reviewed it prior to your testimony today?

20 A. Yes.

21 MS. GLATFELTER: Your Honor, I move to admit Exhibit
22 153 and publish.

23 THE COURT: Any objections?

24 MR. OLESKI: No.

25 MR. SCHNEIDER: No objection.

CHRISTOPHER HARTSEL - DIRECT

14-2368

1 THE COURT: It's admitted. You may publish.

2 MS. GLATFELTER: Thank you, Your Honor.

3 THE COURT: Yes.

4 Q. Mr. Hartsel, can you tell the jurors what's depicted on
5 page 1 of Exhibit 153?

6 A. So this is a breakdown by date, similar chart to what
7 you saw before, of the inflows into the Ohioans For Energy
8 Security Fifth Third Bank account. It's arranged again by
9 date, the payor, or the benefactor, and the amount that was
10 deposited.

11 Q. What was the total -- based on your review of the
12 records, what was the total deposited into the Ohio For Energy
13 Security account?

14 A. Approximately \$23.4 million.

15 Q. And can you describe how much of that \$23 million came
16 from the Generation Now account?

17 A. Virtually all of it came from the Generation Now
18 account. I believe 99 percent.

19 MS. GLATFELTER: And if we'd go to page 2,
20 Ms. Terry.

21 Q. Have you depicted that on page 2?

22 A. Yes.

23 Q. Okay. Can you walk us through page 2 of this exhibit?

24 A. So this is once again a table with a corresponding pie
25 chart of the inflows summarized by the benefactor or the

1 source.

2 Q. Okay. And did you make a graph at the bottom depicting
3 that?

4 A. Yes, I did.

5 Q. And those were the only three sources of funds into the
6 account?

7 A. Yes.

8 Q. Did you also analyze and review records relating to the
9 outflows from Ohioans For Energy Security, or the money
10 flowing out of the Ohioans For Energy account?

11 A. Yes.

12 MS. GLATFELTER: Your Honor, permission to show the
13 witness what's been marked as Exhibit 154.

14 THE COURT: Yes.

15 Q. Mr. Hartsel, do you recognize Exhibit 154?

16 A. I do.

17 Q. What is it?

18 A. This is a breakdown or this is a summary by date of the
19 outflows or the expenses from the Ohioans For Energy
20 Security account.

21 Q. Okay. And did you create this exhibit?

22 A. I did.

23 Q. And was it based on the bank records that you obtained
24 and reviewed?

25 A. Yes.

CHRISTOPHER HARTSEL - DIRECT

14-2370

1 Q. And you prepared it in the same way as the other charts?

2 A. Yes.

3 MS. GLATFELTER: Your Honor, I move to admit Exhibit
4 154 and publish for the jury.

5 THE COURT: Any objections?

6 MR. OLESKI: No, Judge.

7 MR. SCHNEIDER: No.

8 THE COURT: It's admitted. You may publish.

9 Q. Mr. Hartsel, can you describe page 1 of this exhibit?

10 A. So there are three columns to the chart, and each of
11 these columns contains information relevant to the
12 transactions. The outgoing transactions for Ohioans For
13 Energy Security, on the left you will find the date of the
14 transaction. Then you will have the destination or the
15 beneficiary of the transaction, and then the amount.

16 MS. GLATFELTER: And if we go to the second page,
17 Ms. Terry.

18 Q. Does your chart continue on page 2?

19 A. Yes.

20 Q. Okay. And what was the amount of money that flowed out
21 of the Ohioans For Energy Security account?

22 A. Approximately \$23.4 million.

23 Q. Was that nearly all of the money that flowed into the
24 account?

25 A. Yes.

1 Q. During your investigation, did you -- or during the
2 investigation in this case, did you analyze the amount of time
3 that money stayed into the account in this case?

4 A. Yes.

5 Q. What did you find?

6 A. So for Ohioans For Energy Security, in 2019, it took
7 about five days for the funds, every single deposit, to
8 leave the account.

9 Q. Five days?

10 A. Five days.

11 Q. Now, Mr. Hartsel, did you also prepare a graphic image of
12 the outflows in this -- of this account?

13 A. Yes.

14 MS. GLATFELTER: Ms. Terry, if we could go to the
15 next page, please.

16 Q. Mr. Hartsel, can you describe what the jury is viewing on
17 page 3?

18 A. So this is a table of the outflows above for the
19 Ohioans For Energy Security account, along with the
20 corresponding pie graph below it.

21 Q. And if we can go through who -- the payees from this
22 account?

23 A. So we have Voter to Voter, Strategic Media Placement,
24 Constant Content, Lincoln Strategy Group, and Ohio Outdoor
25 Advertising.

CHRISTOPHER HARTSEL - DIRECT

14-2372

1 Q. And who is the largest recipient of funds from the
2 Ohioans For Energy Security account?

3 A. Voter to Voter.

4 Q. How much did they receive?

5 A. Approximately \$10.1 million.

6 Q. And what percentage did that represent?

7 A. 47 percent.

8 Q. All right. And who is the next largest recipient of
9 funds from the Ohioans For Energy Security account?

10 A. Strategic Media Placement.

11 Q. How much money did Strategic Media Placement receive?

12 A. Approximately 30 percent.

13 Q. Okay.

14 A. And \$6.9 million.

15 Q. All right. Mr. Hartsel, in the course of your work in
16 this case, did you also analyze and review bank records for an
17 entity called 17 Consulting Group?

18 A. Yes.

19 Q. Were bank records obtained for 17 Consulting?

20 A. Yes.

21 Q. And did you schedule those bank records in the manner
22 that you've described previously?

23 A. Yes.

24 MS. GLATFELTER: Your Honor, permission to show the
25 witness Exhibit 133.

CHRISTOPHER HARTSEL - DIRECT

14-2373

1 THE COURT: Yes.

2 Q. Mr. Hartsel, do you recognize Exhibit 133?

3 A. Yes, I do.

4 Q. What is it?

5 A. This is again following a similar format as before.

6 These are the inflows into 17 Consulting Group. There are
7 two dates that represent this data. On the left you have
8 the transaction by transaction with the date, the source,
9 and the amount. On the second table you have a summary of
10 the sources with the corresponding pie graph.

11 Q. Did you create this exhibit?

12 A. Yes.

13 Q. And did you do so in the manner of the other exhibits
14 we've looked at today?

15 A. Yes.

16 MS. GLATFELTER: Your Honor, I'd move to admit
17 Exhibit 133 and publish.

18 THE COURT: Any objections?

19 MR. OLESKI: No objection, Judge.

20 MR. SCHNEIDER: No objection.

21 THE COURT: It's admitted, and you may publish.

22 Q. Mr. Hartsel, when you analyzed the 17 Consulting Group
23 account records, what did you find with respect to the funding
24 of the account?

25 A. It was entirely funded by Generation Now.

1 Q. And between what dates?

2 A. Between the dates of August 7, 2019, and December 16,
3 2019.

4 Q. Okay. And have you depicted that in the chart at the top
5 right and in the graph at the bottom of the page?

6 A. Yes.

7 Q. How much money total was deposited into the account?

8 A. \$1.6 million.

9 Q. Now, Mr. Hartsel, during your analysis, did you also look
10 at how the money flowed out of the 17 Consulting Group
11 account?

12 A. Yes.

13 MS. GLATFELTER: Your Honor, permission to --
14 permission for the witness to review Exhibit 134?

15 THE COURT: Yes.

16 Q. Mr. Hartsel, do you recognize this exhibit?

17 A. Yes.

18 Q. What is it?

19 A. This is a chart of the outflows of the 17 Consulting
20 Group account by date and chronological order with a date,
21 the destination of the funds of the payee, and the amount.

22 Q. All right. Did you create this?

23 A. Yes.

24 Q. All right. And was this based on the bank records that
25 you obtained?

CHRISTOPHER HARTSEL - DIRECT

14-2375

1 A. Yes.

2 Q. Did you create it in the manner that you described with
3 respect to the other exhibits we've seen here today?

4 A. Yes.

5 MS. GLATFELTER: Your Honor, I move to admit Exhibit
6 134 and publish.

7 THE COURT: Any objection?

8 MR. OLESKI: No objection, Judge.

9 MR. SCHNEIDER: No objection.

10 THE COURT: It's admitted. You may publish.

11 Q. Mr. Hartsel, can you describe what the jury's seeing on
12 Exhibit -- Government Exhibit 134?

13 A. So this shows all the transactions, the outflow or
14 expense transactions from the 27 -- or 17 Consulting Group
15 account dated from August 8th of 2019 through December 26 of
16 2019.

17 Q. Okay. And what were the first four transactions out of
18 the account?

19 A. The first four transactions were to Matthew Borges; CGI
20 Investigations, LLC; 614 Solutions; and Tyler Fehrman.

21 Q. Okay. And what were the amounts of those transactions?

22 A. Matt Borges received \$100,000, CGI Investigations
23 received \$67,000, 614 Solutions received \$100,000, and Tyler
24 Fehrman received \$15,000.

25 Q. Now, did you prepare some other exhibit with respect to

CHRISTOPHER HARTSEL - DIRECT

14-2376

1 the 17 Consulting Group account?

2 A. Yes.

3 MS. GLATFELTER: Your Honor, permission to show the
4 witness Exhibit 135?

5 THE COURT: Yes.

6 Q. Mr. Hartsel, do you recognize Exhibit 135?

7 A. Yes.

8 Q. What is it?

9 A. This is a table and a corresponding pie graph. The
10 table shows the recipients from largest to smallest, or the
11 largest beneficiaries of the 17 Consulting account.

12 Q. Okay. And what time period does this chart cover?

13 A. I believe 2019.

14 Q. Did you prepare this in the method -- in the manner you
15 have described with respect to the other exhibits here today?

16 A. Yes.

17 Q. And was this based on the information in the previous
18 exhibit that we reviewed?

19 A. Yes.

20 MS. GLATFELTER: Your Honor, move to admit and
21 publish Exhibit 135.

22 THE COURT: Any objections?

23 MR. SCHNEIDER: None here.

24 MR. OLESKI: No. No, Judge.

25 THE COURT: They're admitted. You may publish.

CHRISTOPHER HARTSEL - DIRECT

14-2377

1 Spirit of full disclosure, we're getting close to a break.

2 MS. GLATFELTER: Okay. I have like maybe two
3 minutes.

4 THE COURT: Very well.

5 MS. GLATFELTER: Thank you, Your Honor.

6 Q. Agent -- excuse me -- Mr. Hartsel, can you describe what
7 we're looking at in Government's Exhibit 135?

8 A. So similar to previous exhibits, this shows a summary
9 of the payee, the largest to smallest beneficiary of the 17
10 Consulting account. The chart on the left, you have the
11 payee's name with the percentage paid and the amount paid,
12 and the corresponding pie graph on the right.

13 Q. All right. And who was the largest recipient of funds in
14 2019 from the 17 Consulting Group?

15 A. Juan Cespedes.

16 Q. How much did he receive?

17 A. He received \$600,000.

18 Q. Who's the second largest recipient of funds from the 17 C
19 account?

20 A. Matt Borges.

21 Q. And how much did he receive?

22 A. \$345,000.

23 Q. And have you depicted those in the graph on the right?

24 A. Yes.

25 Q. Can you draw a line from the Juan Cespedes and Matt

1 Borges to the totals on the pie chart?

2 A. Sure (complies).

3 Q. Okay.

4 MS. GLATFELTER: And Ms. Terry, if we look at page 2
5 of this. We will be finished in one minute.

6 Q. Can you describe what we're looking at here?

7 A. So this is a flow chart that shows each of the entities
8 as a bubble. And it shows the flow of money from
9 FirstEnergy through Generation Now to 17 Consulting and then
10 the largest beneficiaries.

11 Q. And these are with respect to 2019, right?

12 A. That's correct.

13 Q. And were there other payments made from the account?

14 A. Yes.

15 Q. These represent ones related to the investigation?

16 A. Correct.

17 Q. Okay.

18 MS. GLATFELTER: Your Honor, if we need to.

19 THE COURT: Very well. We're going to break for the
20 day in order to accommodate a juror who got stuck in the
21 elevator and I don't want to beat him up any further.

22 During the break, you get to go home, get early home. I
23 want you to take a break, put this out of your mind. Do not
24 discuss it among yourselves or with anyone else. No
25 independent research. Don't be checking out the media. And

1 continue to keep an open mind. We're grateful to you for the
2 work you are doing. I hope you have a good, long break today.

3 Tomorrow we would anticipate you be at your spot by 9:15
4 so we can start again at 9:30.

5 Out of respect for you, we will rise as you leave.

6 THE COURTROOM DEPUTY: All rise for the jury.

7 (Jury exited the courtroom at 2:00 p.m.)

8 THE COURT: The jury's left the room, the door is
9 closing. As always, we'll wait till we're advised that the
10 jury has cleared the floor, and then we will break for the
11 day.

12 THE COURTROOM DEPUTY: All clear.

13 THE COURT: Okay. We're going to break till
14 tomorrow at 9:15. Thank you.

15 THE COURTROOM DEPUTY: All rise. This court is in
16 recess.

17 (Proceedings continued in progress at 2:01 p.m.)

18 CERTIFICATE OF REPORTER

19 I, Mary A. Schweinhagen, Federal Official Realtime
20 Court Reporter, in and for the United States District Court
21 for the Southern District of Ohio, do hereby certify that
22 pursuant to Section 753, Title 28, United States Code that the
23 foregoing is a true and correct transcript of the
stenographically reported proceedings held in the
above-entitled matter and that the transcript page format is
in conformance with the regulations of the Judicial Conference
of the United States.

24 s/Mary A. Schweinhagen

19th of February, 2023

25 MARY A. SCHWEINHAGEN, RDR, CRR
FEDERAL OFFICIAL COURT REPORTER

I N D E XEXAMINATIONS**GOVERNMENT WITNESSES****PAGE****NATHAN HOLBROOK**

Cross-Exam by Mr. Glickman	2232
Cross-Exam by Mr. Schneider	2257
Redirect Exam by Ms. Gaffney-Painter	2257

MEGAN FITZMARTIN

Direct Exam by Ms. Gaffney-Painter	2263
Cross-Exam by Mr. Oleski	2287
Cross-Exam by Mr. Schneider	2307
Redirect Exam by Ms. Gaffney-Painter	2310

BETH ELLIS

Direct Exam by Ms. Glatfelter	2314
Cross-Exam by Mr. Marein	2334

CHRISTOPHER HARTSEL

Direct Exam by Ms. Glatfelter	2340
-------------------------------	------

EXHIBITS**GOVERNMENT'S EXHIBITS****PAGE****ADMITTED**

No. 17	2355
No. 18	2360
No. 153	2268
No. 154	2370
No. 133	2373
No. 134	2375